

OFFICIAL REPORT OF PROCEEDINGS  
BEFORE THE  
U.S. DEPARTMENT OF THE INTERIOR  
NATIONAL PARK SERVICE

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Docket No. \_\_\_\_\_

CAPE COD NATIONAL SEASHORE  
ADVISORY COMMITTEE

In the matter of \_\_\_\_\_

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Place Washington, D. C.

Date February 16, 1962

Pages 1 - 152 incls.

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CAPE COD COMMUNITY COLLEGE



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## AGENDA

### CAPE COD NATIONAL SEASHORE ADVISORY COMMISSION

#### Organization Meeting

Room 5160 Interior Building, Washington, D. C.

February 16, 1962

- 10:00 - Commission convenes.
- Introductions.
- Opening Statement by Assistant Secretary  
of the Interior John A. Carver, Jr.
- Installation of Chairman Charles H. W. Foster
1. Adoption of agenda.
  2. Remarks by Director Conrad L. Wirth.
  3. Organization and staffing of the Cape Cod  
National Seashore Project.
  4. Land Acquisition Status.
- 11:30 - Adjourn for luncheon at The Cosmos Club,  
2121 Massachusetts Avenue, N. W., with  
Secretary of the Interior Stewart L.  
Udall and Members of the Congress.
- 2:00 - Commission convenes.
5. Status of Province Lands and Pilgrim Springs State Park.
  6. Zoning Standards.
  7. Master Plan.
  8. Information Program for 1962.
  9. Other business, including time and place of next meeting.





## CAPE COD NATIONAL SEASHORE ADVISORY COMMISSION

The following members of the Cape Cod National Seashore Advisory Commission were present at the first session of the Organizational Meeting of the Commission, February 16, 1962:

Chairman Charles H. W. Foster, State House, Boston, Mass.  
Leo Diehl, State House, Boston, Massachusetts  
Nathan Malchman, Provincetown, Massachusetts  
John R. Dyer, Jr., Board of Selectmen, Truro, Mass.  
Mrs. Esther Wiles, Wellfleet, Mass.  
Ralph A. Chase, Eastham, Mass.  
Arthur Finlay, Board of Assessors, Orleans, Mass.  
Robert A. McNeece, Board of Selectmen, Chatham, Mass.  
Joshua A. Nickerson, Orleans, Mass.  
Josiah Child, Provincetown, Mass.

The following officials of the Department and the National Park Service also attended the meeting:

Department of the Interior

Administrative Assistant Secretary D. Otis Beasley

National Park Service

Director Conrad L. Wirth  
Assistant Director Hillory A. Tolson  
Assistant Director Daniel B. Beard  
Regional Director R. F. Lee, Region Five  
Chief of Lands D. E. Lee  
Superintendent Robert F. Gibbs, Cape Hatteras National  
Seashore Recreation Area  
Cape Cod Land Acquisition Officer George H. Thompson



1 ORGANIZATIONAL MEETING  
2 CAPE COD NATIONAL SEASHORE ADVISORY COMMISSION

3 5160 Interior Building  
4 Washington, D. C.  
February 16, 1962

5 Director Conrad L. Wirth of the National Park  
6 Service called the meeting to order at 10:00 o'clock a.m.  
7 He read a telegram from Chairman Foster of the Commission,  
8 as follows:

9 "Regret Federal to Washington at least  
10 two hours delayed due to accident just south  
11 of Boston. Suggest no delay on my behalf in  
12 conducting official Commission business. Also  
13 wish to advise Department Secretary Henry  
14 McCarthy will attend Commission meeting with me."

15 Mr. Wirth asked each member of the Commission to  
16 introduce himself and to state where he was from. He intro-  
17 duced Administrative Assistant Secretary D. Otis Beasley who  
18 was substituting for Secretary Udall and Assistant Secretary  
19 Carver.

20 MR. WIRTH: Inasmuch as this Commission is set up  
21 by legislation, we felt it would be a very fine thing if  
22 the Commission could come to Washington for its first meeting  
23 and get acquainted with the Department, the National Park  
24 Service, and some of the people in them. We are having a  
25 luncheon this noon which the Secretary will attend and we



1 have also asked some of the Members of Congress to be present.  
2 This will be another way of getting acquainted and help make  
3 this project the best that we can make it.

4 Mr. Wirth then introduced Mr. Beasley.

5 MR. BEASLEY: Director Wirth and Members of the Cape  
6 Code National Seashore Advisory Commission: It is my privilege  
7 to represent Secretary Udall and Assistant Secretary Carver at  
8 this organization meeting of the Cape Cod National Seashore  
9 Advisory Commission. They will be meeting with you later  
10 today. They would like to be here now but they cannot for  
11 important reasons.

12 I thought it might be well to explain to you the  
13 purpose of advisory boards and commissions, since some of you  
14 might be serving in this capacity for the first time. This  
15 Commission was created by an Act of Congress. Such commissions  
16 go back quite a few years. Historically, they were used first  
17 by Herbert Hoover when he was Secretary of Commerce to advise  
18 on important matters relating to the Government. Mr. Hoover  
19 asked the Department of Justice to prescribe the "ground rules"  
20 for the functioning of advisory committees. I will read one  
21 or two from our procedures. I am reading from the Departmental  
22 Manual.

23 "The functions of advisory committees  
24 shall be solely advisory; and any determination  
25 of action to be taken, based in whole or in part



1 on such advice, shall be made solely by the proper  
2 official of the Department or other official of  
3 the Government."

4 "Advisory committee meetings shall be at  
5 the call or with the approval of, and the agenda  
6 for the meetings shall be formulated, or approved  
7 by, a full-time salaried officer or employee of  
8 the Department."

9 "Advisory committee meetings shall be under  
10 the chairmanship or co-chairmanship of, or con-  
11 ducted in the presence of, a full-time, salaried  
12 Departmental official. Such Departmental official  
13 shall have the authority to adjourn any meeting  
14 whenever he feels that its continuation would not  
15 be in the public interest."

16 MR. NICKERSON: Mr. Beasley, how would you resolve  
17 the conflict of wording in the act authorizing the Cape Cod  
18 National Seashore and the Department's Manual. The act states  
19 that the Commission "shall act and advise by affirmative vote  
20 of a majority of the members thereof," whereas the Department's  
21 Manual indicates that this is done only by officials of the  
22 Department.

23 MR. BEASLEY: If you will withhold that question, I  
24 believe it will be answered a little later. The President has  
25 set forth some rather complete guidelines for advisory committees.





1 The growth of advisory committees to the Government is the  
2 result of Government agencies needing expert advice. It  
3 affords the Government and the public an opportunity to  
4 receive very costly advice and experience at no cost to the  
5 public. You are representatives of important interests, and  
6 we feel sure you would not have accepted this assignment had  
7 you not been willing to contribute that advice. The Depart-  
8 ment intends to give you this opportunity.

9 Advice is only the beginning; you can help us to  
10 achieve agreement. As the work of such a commission as this  
11 proceeds, we become more tolerant of different views.

12 (Mr. Beasley read a portion of Mr. Kennedy's state-  
13 ment concerning the Commission which, he said, contained  
14 the answer to Mr. Nickerson's question. The statement is  
15 as follows:)

16 The sponsors have not attempted to specify  
17 in rigid detail the exact methods to be followed  
18 by the Commission in playing its important role,  
19 feeling confident that this should properly be  
20 left to the wisdom and good judgment of the per-  
21 sons who will serve on the Commission and the  
22 responsible officials of the Interior Department  
23 whose joint task and opportunity it will be  
24 soundly to develop and administer the Park. For  
25 example, the sponsors assume that no major



1 decisions would be made relative to the Park by  
2 the Park Service without consulting with the  
3 Advisory Commission; that no member of the  
4 Advisory Commission would participate in de-  
5 cisions or advice of the Commission affecting  
6 a matter in which he had any personal interest;  
7 that no member of the Commission would adopt a  
8 strictly parochial attitude on behalf of the  
9 governmental unit which he represented.

10 MR. NICKERSON: Would you read that language (of  
11 the Departmental Manual) again, please?

12 MR. BEASLEY: "Advisory committee meetings shall be  
13 at the call or with the approval of, and the agenda for the  
14 meetings shall be formulated, or approved by, a full-time  
15 salaried officer or employee of the Department."

16 MR. NICKERSON: I am again referring to that portion  
17 of the Act which states that meetings of the Commission will  
18 be called by majority vote of the Commission.

19 Which one is right? Who calls the meetings and  
20 who says what we shall talk about at the meetings? Do you  
21 interpret that to mean that we cannot call a meeting of our  
22 own or prepare an agenda of our own?

23 MR. BEASLEY: I did not intend to make a contro-  
24 versial issue. If the Department's procedures are in con-  
25 flict with the law, the law will prevail.



1 MR. NICKERSON: Do we go by the law or by the De-  
2 partment's Manual?

3 MR. BEASLEY: You will go by the law, sir. The act  
4 is unusual in that it exempts the members of this committee  
5 from certain provisions of the U. S. Code. When you are  
6 serving on this Commission, you are actually employees of  
7 the Federal Government and are representing the U. S. Govern-  
8 ment and subject to all the laws relating to Government  
9 employees, such as the "conflict of interest" laws.

10 I will read that portion of the Act stating the  
11 exceptions to the exemptions as follows:

12 The exemption granted by subsection (1) of  
13 this section shall not extend --

14 (1) to the receipt or payment of  
15 salary in connection with the appointee's  
16 Government service from any sources other  
17 than the private employer of the appointee  
18 at the time of his appointment; or

19 (ii) during the period of such appoint-  
20 ment, and the further period of two years  
21 after the termination thereof, to the pro-  
22 secution or participation in the prosecution,  
23 by any person so appointed, of any claim  
24 against the Government involving any matter  
25 concerning which the appointee had any



1                   responsibility arising out of his  
2                   appointment during the period of  
3                   such appointment.

4                   MR. NICKERSON: You did not mention, under  
5                   section (g), that the Secretary shall not issue any permit  
6                   for commercial use or establish any public use area on  
7                   the property without the advice of the Commission, if  
8                   such advice is submitted within a reasonable time after  
9                   it is sought. Does the Secretary define the term, "reason-  
10                  able time"?

11                  MR. BEASLEY: If a situation arose where there  
12                  would be a question on this, I believe it could be re-  
13                  solved.

14                  MR. NICKERSON: Would the Secretary say what a  
15                  "reasonable time" is?

16                  MR. WIRTH: Mr. Nickerson, many of your questions  
17                  have to do with issues that we will have to work out--  
18                  certain procedures, etc., that we can all work on.

19                  MR. NICKERSON: Then you are suggesting that the  
20                  term "reasonable time" will have a definition later on?

21                  MR. WIRTH: We will try to work out those internal  
22                  procedures.

23                  MR. BEASLEY: I believe the Secretary would  
24                  seek the advice of the Commission as to what it considers  
25                  a "reasonable time".







1 MR. NICKERSON: Concerning the two-year period  
2 mentioned in the act, in the event any person owned real  
3 estate that was taken by condemnation, and the award was  
4 insufficient, would this bar them from bringing suit  
5 to establish a fair value?

6 MR. BEASLEY: I do not think so.

7 MR. NICKERSON: Then this would not bar me from  
8 bringing suit to determine the fair value to prevent taking  
9 of land by condemnation?

10 MR. WIRTH: If there is any question on that, we  
11 had better get it settled.

12 MRS. WILES: Question: If you have property  
13 owned by the town or Massachusetts, etc., does this mean  
14 that you can take any land that the town holds or that  
15 the Commonwealth holds?

16 MR. WIRTH: No publicly-owned property would be  
17 taken.

18 MR. McNEECE: Isn't this just an organizational  
19 meeting? There are many of the details of the act that  
20 we would like to have spelled out in detail. We will  
21 ask that they be spelled out in some concrete manner,  
22 but at the present time we do not need to have them  
23 spelled out now. Is that correct?

24 MR. WIRTH: That is correct. We have some  
25 fifteen commissions, some established by ourselves and some



1 by law, and in each case, when we work up the agenda, we  
2 get an agenda agreeable to the chairman. There has got  
3 to be mutual understanding.

4 MR. NICKERSON: I think a poor way to start is  
5 to take away the authority of the Commission to have its  
6 own meetings.

7 MR. WIRTH: We will discuss details later. If  
8 you will give us a little time, I think you will feel  
9 that we are trying to approach this in a way that will  
10 be satisfactory.

11 MR. BEASLEY: In summary, the statute always  
12 prevails.

13 I now hand you this gavel, Mr. Wirth. There is  
14 a history to the gavel which the permanent chairman will  
15 tell the Commission about.

16 It has been a pleasure to be with you and I wish  
17 you all success in working on this problem.

18 MR. NICKERSON: I now propose that Mr. Wirth  
19 be made acting chairman until the permanent chairman  
20 arrives.

21 (The motion was seconded by a member of the  
22 Commission and the Commission agreed unanimously)  
23  
24  
25



1 MR. WIRTH: You have heard the motion. Is there  
2 any objection? All in favor -- well, I guess I will put it  
3 the other way. If there is no objection, it is adopted.

4 Now, I would like to have a candid and frank and  
5 straightforward talk to you at this time, on the over-all  
6 situation.

7 I know, can't help but know, and you know, and  
8 everybody knows that there are conflicts of opinion. First,  
9 as to whether a law should be passed, and also conflict as  
10 to what is in the law, and there may be some feeling about  
11 the National Park Service. We hope as we work together as  
12 neighbors that that will be dispelled, and so I would just  
13 like to say a few remarks about the National Park Service  
14 and submit to any questions you might ask about our organi-  
15 zation, our objectives, our desires, our responsibilities,  
16 and that will not at this stage--don't misunderstand me, I  
17 am not trying to postpone the crucial moment of discussion  
18 on it, some of the points that have been brought up, but I  
19 would like, before we get on those discussions which might  
20 be heated and the many points brought up, before we reach  
21 the decision on how to proceed I would like to get off a  
22 plug for the National Park Service and what we are trying  
23 to do.

24 The Service was established back in 1916 as a  
25 Bureau of the Department for the purpose of preserving



1 outstanding scenic, scientific, historic and prehistoric  
2 areas of the United States as a national heritage.

3 Those are broad terms. I think they are terms  
4 that people would give different interpretations to.

5 I don't think many people would argue too much  
6 with the idea. I think they would argue with the kind of  
7 things included and the way it is done.

8 The first National Park in the world was established  
9 in the United States back in <sup>1872</sup>~~1817~~-Yellowstone National Park--  
10 and, incidentally, on that wall there is a Moran picture of  
11 the Grand Canyon of the Yellowstone, which was one of the  
12 fine scenic features that caused the Congress back that early,  
13 even before States were established, to set aside 214 million  
14 acres to preserve that and the great geysers and Yellowstone  
15 Lake. That is a grand picture of the Grand Canyon in Arizona.

16 These parks were established all at the request of  
17 the state representatives until about 1910 or 1911 when people  
18 began to think of a different type of management for those  
19 areas set aside, and over a period of four or five years  
20 the question of the Bureau was brought forward and it was  
21 established in 1916 by an act of Congress; and since that  
22 time we have been protecting with our organization the  
23 existing areas we inherited, and also historic areas that  
24 were added to the system, and other scenic areas.

25 The idea of a seashore area is fairly new although







1 there was a study made in the 1930's of the coastlines, and  
2 out of that came Cape Hatteras and recently, of course, you  
3 know the history of the Cape Cod area and other seashore areas  
4 under consideration.

5 We have found through experience that any park  
6 established in any nearby community or within communities  
7 or near communities within the radius of several hundred  
8 miles even, that the establishment of such areas does have  
9 a real effect on the communities adjacent to it. It does  
10 change the habits; it does change the economic balance. It  
11 does bring in new economic values. It does have an effect  
12 on the over-all management of lands and the living of people  
13 within a radius of the area established.

14 Some may think that effect is adverse; and it may  
15 be in their judgment, and we don't argue the point.

16 We do know in the history of establishing the  
17 areas that it does increase in many respects the economic  
18 returns to the community, and it does have adverse affect  
19 on other things.

20 In the establishment of these areas, working on  
21 them, and development, we have down through the years, and  
22 I feel very firmly in this that we are not building just  
23 for today. We are preserving, as the law says, for yourself  
24 and your future generations of followers the heritage we  
25 have inherited and those things that have come to this nation



1 down through the years to it so the story of America can be  
2 preserved for other people.

3 In doing so we have taken the stand that it can be  
4 within certain limits a gradual transition. It doesn't have  
5 to be done overnight.

6 I will admit in land acquisition the sooner you  
7 buy the land the less expensive it is; however, in this  
8 legislation I think you are represented in Congress. The  
9 National Park Service and Congress itself try to incorporate  
10 into this law various kinds of things that will make this  
11 kind of thing possible. And one of them is this Commission.

12 It is a relatively new type of legislation that  
13 brings about those things while we had been doing them more  
14 or less automatically. For instance, in establishing the  
15 Great Smoky Mountain Park, there are people still living in  
16 Great Smoky National Park, and that area was established in  
17 1931. The people we bought the land from were living there,  
18 one of those things. That is where the mountain people lived  
19 and it was part of their life and we had nothing to gain by  
20 kicking them out, if I may use a vulgar expression, but that  
21 is what we are accused of doing some time.

22 However, in other things there are times when we  
23 are faced with what is the proper thing to do. Here is a  
24 piece of raw land that nobody lives on, that somebody wants  
25 to subdivide and build on which means that later on, when it



1 ultimately is completed we have the problem of buying the  
2 improvements as well as the other; and, also, many of the  
3 things that might be thought desirable or are thought de-  
4 sirable would then be subject to destruction due to the  
5 development.

6 I don't think anybody, and I know that is the  
7 main source of differences of opinion between ourselves  
8 and other people, both here and on the Cape, is how it is  
9 going to be done. I think everybody would like to see  
10 the Cape the way it was thirty or forty years ago or maybe  
11 the way it was last year, but will it be kept that way?  
12 That is the problem, one of the things; one of the most  
13 important things that our Commission can help in our work  
14 is on this.

15 Now, I am going to pass these out because it  
16 gives you a little idea of how we operate and that is one  
17 of the main things I wanted to say and perhaps I got  
18 involved in the other above.

19 I don't know how convincing I have been but due  
20 to the previous questions I thought I ought to touch on  
21 that a little bit and let you know we are aware of those  
22 things and we want to work them out.

23 We are neighbors and the people going there are  
24 going to be part of your community and the success of  
25 your community and the success of ours is going to depend





1 entirely on how well we get along together and the better  
2 we get along together is the way we can better work them out.  
3 There are a half dozen ways to skin a cat, and the aim of  
4 the Department is to do the least amount of damage and make  
5 the best possible area out of it which would be a credit  
6 to the community and to the nation.

7 Mr. Foster just came in but I am going to finish  
8 this before I call him up here, and I will pass these out  
9 to you. This may look bureaucratic to you but I think you  
10 ought to know how the organization of the National Park  
11 Service is set up in Washington because what I am about  
12 to say now deals with it.

13 All authority, by legislation, is in the hands of  
14 the Secretary of the Interior. There is not a bureau in  
15 the Department that has any direct authority other than  
16 the authority given to him by the Secretary of the Interior,  
17 and with many bureaus in the Department, one can well under-  
18 stand that the Secretary cannot take an active interest in  
19 every detail of every organization or every project that  
20 is going on. Therefore he has directed to the Director of  
21 the National Capital Park Service broad authority to carry  
22 out his objectives in this particular case and in return--  
23 I am not complaining about my job, about doing too much  
24 work--but in turn I have delegated that out to our field  
25 people for three reasons. One, I couldn't handle it any





1 way. Two, the closer we can get to the grass roots the  
2 better the decisions are going to be and the better we  
3 understand one another and the better results we will get  
4 for all of us; and, third, it is more economical.

5 So we have passed it on through to Mr. Lee here  
6 who is our Regional Director who handles the northeast part  
7 of the United States, and he in turn has put right on the  
8 ground floor Mr. George Thompson, who is now the project's  
9 manager in the Land Acquisition office in getting started,  
10 and we will get more in detail but in case you have not all  
11 met him I would like to have him stand up so you know who  
12 he is.

13 (Applause)

14 We have also requested funds for administrative  
15 work starting July 1 which is the first year we have had  
16 opportunity to get money in our appropriations because of  
17 the 1963 fiscal year. For those who do not know, the  
18 Government's fiscal year runs from July 1 to June 30, and  
19 we are now in the 1962 fiscal year which ends June 30. The  
20 July 1963 fiscal year starts July 1 and ends June 30, 1963.  
21 We will talk about that a little bit later.

22 I have the amounts in here that we have asked for  
23 management and protection; however, I do want to say this:  
24 that we have made a selection of the superintendent, and  
25 while I haven't got the final papers all signed up and I



1 can't let it be known to the press until it has been cleared  
2 I think I can certainly tell this Commission who it is going  
3 to be because the verbal approval of the secretary is that I  
4 have the green light, but until it is all signed, sealed, and  
5 delivered, I can't announce it, but we are a career organiza-  
6 tion and we do have adult transfers and so forth.

7 We have selected a man with considerable experience  
8 who is now Superintendent of our Cape Hatteras areas, Mr.  
9 Gibbs, and I will ask Mr. Gibbs to come up here, even though  
10 he has not been relieved of the other duties, to meet with  
11 you and talk to you so you can see who he is and Mr. Gibbs,  
12 will you stand up and take a bow?

13 (Applause)

14 I will say that there are certain things in  
15 Government that you can do and can't do and one is you are  
16 not supposed to put in for things until you get the money  
17 for July 1. I think Mr. Gibbs can show up a little early  
18 because we feel that the man that is going to represent us  
19 and will have perhaps the full responsibility of carrying  
20 out projects and working with you people day to day and  
21 with the officials of the towns should be out on the ground  
22 early, should be with you people so you get to know him and  
23 he can discuss things with you freely and openly as one  
24 individual to another and seek your advice from time to  
25 time and you consult with him when you have problems or



1 want to bring something to his attention, either individually  
2 or collectively.

3 Well, so much for that. I hope that I have made  
4 my statement about the way we operate sufficiently simple  
5 enough so that it won't muddy the waters as to your thinking  
6 what the organization is. The way it goes is from the  
7 secretary to the director to the regional director to the  
8 superintendent. And the superintendent we have referred to  
9 as the captain of the ship. Now, we use that expression,  
10 and I am sure you people up in your section of the country  
11 know what that means. The captain of the ship is in charge.  
12 We can go up there but we can't make any changes while we  
13 are there without his consent, but we can come back and  
14 fire him if we don't like what he is doing.

15 MR. NICKERSON: Does he report to Mr. Lee?

16 MR. WIRTH: He reports to Mr. Lee. If we have  
17 any disagreement I know the superintendent will want to bring  
18 you in on it and I know you will try to reach the decision.

19 On the other hand, and I think you will understand  
20 this, that if there is something you don't like being done,  
21 to come directly into the secretary and the secretary will  
22 come to me and I will go to the region, and the region will  
23 go to the superintendent and get a report, and I think  
24 working together in the field the way we propose to do that  
25 if there is anything that we must talk about together we





1 can get on a train and come up there with you and the super-  
2 intendent and sit around the table and see whether we can't  
3 solve the problem. That is the way we would like to work  
4 and I think that is the simplest way and I think we under-  
5 stand each other that way better than any other way. I say  
6 again I am not trying to put a barrier around the superin-  
7 tendent or the secretary or myself but I do know how big  
8 the department is and how much time it involves, and I do  
9 most sincerely hope that we can solve our problems among  
10 ourselves and honest to goodness we are looking forward to  
11 this Commission as friends and co-workers, to be part of  
12 the National Park Service and we to be part of you, to try  
13 to get this so it will be carrying out the law of the land  
14 and do it in a way that will be most successful for it to  
15 reach its objective, and do it in the way that will be  
16 most acceptable to everyone involved. Now, that is our  
17 sincere hope and our pledge to you people and to all people  
18 on the Cape.

19 MRS. WILES: Do I understand that it is very  
20 important we have good feeling with the people down there  
21 and we are supposed to help promote this good feeling?

22 MR. WIRTH: I would say, whether I am hoping too  
23 much I don't know, I am hoping it will be and I would like  
24 to be in that corner, working up to good public relations.

25 MRS. WILES: I think you can promote good feeling





1 only with justice, and if we don't have justice we will  
2 never have good feeling.

3 MR. WIRTH: I believe in justice too and we will  
4 do everything to be just as just as anybody, and I think  
5 we are just and we want to be.

6 MRS. WILES: You can't be just when one of your  
7 representatives got up on the Hill and said they did not  
8 intend to give one inch whether we liked it or not.

9 MR. WIRTH: We will go into that later. We will  
10 see if we can't iron that out. There is a difference of  
11 opinion. Let me just say that there are honest differences  
12 of opinion and I don't know anybody that can solve all our  
13 differences of opinion.

14 MRS. WILES: It is not just a difference of  
15 opinion!

16 MR. WIRTH: At least if we understand each other  
17 and are friendly in working things out, that is what we  
18 will try to do and what we want.

19 MR. NICKERSON: Mr. Wirth, I have a suggestion  
20 to make in promoting good relations. We have been in  
21 the formative stage. What I am going to say is not intended  
22 as criticism. I had occasion to write to the Secretary of  
23 the Interior on the 10th of January and got an answer  
24 twenty-nine days later, and another on the 15th of January  
25 and got the answer before I came down. I would like to



1 suggest that your office determine a means by which any  
2 interested person, any citizen or anybody who wanted to  
3 inquire about anything concerning National Park Service  
4 is told to whom to write and get an answer. Maybe to you  
5 or Mr. Lee or the superintendent, but should be somebody.

6 MR. WIRTH: I know your problem. We have the  
7 hardest problem in the world in getting an answer back  
8 that might be a commitment and so forth.

9 MR. NICKERSON: First letter I wrote simply  
10 asked for copies of the statute referred to here, which  
11 is perfectly simple. No question in interpretation.  
12 Please understand I am not trying to find fault with  
13 Secretary Udall, but I am trying to point this out as the  
14 kind of thing that can create irritation needlessly.  
15 If you just tell us who to write to in the department,  
16 and if an answer can't be forthcoming, just write and  
17 acknowledge receipt of the letter and that it is being  
18 referred to the proper person, and that will do a lot  
19 to promote good will. There are going to be a lot of  
20 such questions.

21 MR. WIRTH: I am sure there are, and I am  
22 glad you are bringing it up.

23 MR. NICKERSON: Just a question of designating  
24 the office. Even if they just send back a post card  
25 acknowledging receipt of the letter.



1 MR. WIRTH: I don't want to run down government  
2 operations, they are usually referred to as a lot of red  
3 tape and so on but the routing of the mail and so on, if  
4 it is addressed to the secretary, it goes down to a certain  
5 place and so on and so forth. And when Mr. Gibbs gets up  
6 there he is going to get a supply of material and so forth  
7 and he may be able to answer this question or that question  
8 and if not he will help you get the answer.

9 MR. NICKERSON: I am speaking about any citizen  
10 in the area, not just the Commission. If the letter is  
11 addressed to Mr. Gibbs he will notify whether he can answer  
12 and if he can't say that the letter is being passed on to  
13 so and so. And it seems to me the letter should be  
14 acknowledged quickly, even if questions are not answered.  
15 That will do a lot to promote good will.

16 MR. WIRTH: You are absolutely right and I will  
17 say that twenty per cent of the trouble we get into is  
18 delay in answering correspondence and your criticism is  
19 good and constructive.

20 MR. NICKERSON: I hope it is constructive. It  
21 is intended to be.

22 MR. WIRTH: Now, Hillary, have you got those  
23 little cards? I thought of this as a token of appreci-  
24 ation of coming down here in inclement weather. Will  
25 you pass them out? We give these cards out to people



1 who are working with members of Congress and our commissions.  
2 It is an annual pass to our national parks. You can get  
3 them every year and we would like it very much if you would  
4 accept this as a token of appreciation of your coming down  
5 here, and if I may I urge you to use those, and we would  
6 like to have you travel throughout the national parks  
7 and see our operations, talking with our rangers and what  
8 not, seeking any information or giving them any advice you  
9 may have because they like it. It is a part of their job  
10 and it is a pleasant part of their job.

11 Now, with our appointed chairman, we welcome  
12 you here on the slow train from Boston. The assistant  
13 secretary was in here, not Carver but Beasley, to open the  
14 meeting and he was about to present you with a gavel to  
15 start the meeting.

16 By a unanimous vote of the Commission they made  
17 me temporary chairman pending your arrival which I accepted  
18 with pleasure, and if you will come here I will try to do  
19 the honors the assistant secretary would like to do but  
20 he had to go, and then we also approved the agenda tenta-  
21 tively pending your arrival, and we have only got down  
22 to my talk, remarks here, number 2. I think you might  
23 want to consider the election of a vice-chairman and  
24 maybe a secretary of your own and then I think the origin  
25 of the Commission and what certain things meant, and even







1 though it isn't on the agenda you may want to get into  
2 something like that. That will be up to you and the  
3 Commission.

4 I would like to present to you this gavel. It  
5 has a history to it. It was made out of some salvaged  
6 wood that was picked up when they were working on the  
7 White House several years ago, when they were doing it  
8 over, and we thought it would be a proper thing to present  
9 to the Chairman of this Commission--a gavel made of White  
10 House wood.

11 And with that I welcome you and we are here  
12 at your wishes.

13 MR. FOSTER: Thank you very much. Mr. Wirth  
14 seems to be doing such an able job, I see no need for  
15 changing chairmans in midstream, but it is a pleasure to  
16 be here at least.

17 I apologize for being late but there were two  
18 train wrecks and things were a little hectic and tense  
19 last night. One advantage in being late is that you  
20 missed my inaugural address. I had at least fifteen  
21 minutes of prepared text. In terms of my opening remarks  
22 let me assure you all, those of you on the Commission  
23 particularly, that I welcome this opportunity to work with  
24 you.

25 I feel myself that what our Commission does and



1 how successful it is working as a Commission is going to  
2 have a profound effect on this nation's seashore and how  
3 that particular project fares; so that I think I have  
4 quite a responsibility and certainly as chairman I look  
5 forward to meeting fairly regularly with you and attempt-  
6 ing to work out with all of you some of the problems that  
7 are certain to come about as this project moves toward  
8 completion.

9           It is not going to be easy and I think one fact  
10 does stand out, that all of us in our own respective ways  
11 care a good deal about Cape Code and the future of that  
12 particular area so that in that sense I think we are well  
13 in accord and have all the makings, I think, of a successful  
14 commission.

15           This is the sum and substance of my remarks.  
16 Probably the first order of business would be to consider  
17 the agenda as placed before you, what your pleasure may be  
18 in terms of the various items.

19           I do feel that certainly some time today we  
20 should consider ourselves, how we shall meet, where and  
21 when and perhaps the various orders of business and  
22 transactions of business and if it would be your pleasure  
23 to do that now or perhaps have that the first order of  
24 business right after lunch. Certainly this is up to you  
25 and your judgment.



1 MR. NICKERSON: I would suggest that that matter  
2 be left until later in the day, but I think we ought to have  
3 a secretary of this commission, and the first order of  
4 business should be to appoint a secretary and any other  
5 subsidiary officers that you may ask for.

6 MR. FOSTER: Is it agreeable to the commission to  
7 withhold until later in the day the discussion of the formal  
8 transaction of your business other than the selection of  
9 the officers? Is this agreeable to the commission?

10 Hearing no objections I assume it is.

11 Certainly any commission should have a secretary.  
12 Are there any nominations for the position of secretary?

13 MR. CHILD: I should like to nominate Mr.  
14 Nickerson.

15 MR. NICKERSON: I should like to nominate Mr.  
16 McNeese and withdraw my own nomination.

17 MR. DIEHL: I second the motion.

18 MR. DYER: I move the nominations be closed.

19 MR. FOSTER: Is that seconded?

20 (The motion was seconded)

21 MR. FOSTER: All in favor say "aye".

22 (Oral response)

23 MR. FOSTER: Nominations are closed. Mr.  
24 McNeese is before the commission as secretary.

25 (Vote was taken)



1 MR. FOSTER: Mr. McNeese has unaminously been  
2 voted secretary.

3 Mr. McNeese, you have been selected as secretary  
4 of the commission.

5 MR. MCNEESE: Thank you. I notice we are having  
6 very ample assistance here and I assume we will have a  
7 transcript of what is said and that relieves me from taking  
8 notes at this time.

9 MR. WIRTH: We felt that at the first meeting,  
10 whoever was secretary shouldn't be strapped with the  
11 responsibility of preparing the minutes and we will give  
12 you the minutes.

13 MR. NICKERSON: I would like to move that the  
14 commission instructs or requests that the chairman should  
15 secure funds for the necessary expenses of the secretary  
16 or do you want to do that some other way? What I want to  
17 get is authorization from you.

18 MR. WIRTH: Mr. Nickerson, I think it is provided  
19 in the act itself.

20 MR. NICKERSON: I just wanted to make sure he  
21 wasn't put to personal expense.

22 MR. WIRTH: He will not be or the commission. I  
23 think this is fully covered in the law that we will see  
24 that the bills are properly taken care of. We would pay.

25 MR. NICKERSON: If it is clearly understood







perhaps no motion is necessary, but I think it ought to be fully understood. The secretary would have to get certain books and materials and so forth and probably will have to hire secretarial help in preparing his work.

MR. WIRTH: I will tell you how we have done in other commissions. We have supplied much of the material, like paper and so forth out of government supplies. We have supplied the stamps and desks and typewriters and everything else. If he needs outside secretarial help for some reason, for special events, he will be able to talk to the superintendent, say he would like to have some and arrange for the bill to be paid.

MR. NICKERSON: You have typists down there?

MR. WIRTH: We intend to do it all at the Cape. We don't expect, except special occasions, to do it here, so that the work will all be done at the Cape.

MR. NICKERSON: My point is very simple. I don't want Mr. McNeese to have any expense.

MR. WIRTH: Why don't we have the minutes carry that.

MR. McNEESE: Let the minutes include my appreciation of your concern for my financial status.

MR. FOSTER: The question was further raised on the need for additional officers of the commission. What is your feeling in that matter?



1 MR. DIEHL: I make a motion that Mr. Nickerson  
2 be made the vice chairman.

3 (The motion was seconded)

4 MR. FOSTER: It has been moved and seconded that  
5 Mr. Nickerson be named vice chairman of the commission.

6 MR. DYER: I make a motion that nominations be  
7 closed.

8 (The motion was seconded)

9 MR. FOSTER: Nominations are closed. I believe  
10 we can vote without any further discussion. All in favor  
11 indicate by saying "aye".

12 (Oral response)

13 MR. FOSTER: Mr. Nickerson has been voted vice  
14 chairman.

15 MR. NICKERSON: Thank you for your confidence  
16 and I hope I will merit it.

17 MR. FOSTER: I am sure you will.

18 The commission has transacted an enormous amount  
19 of business in about five minutes.

20 Referring to the agenda for a moment, we have  
21 decided to refer until after lunch the question of meetings  
22 and proceedings and so forth. What is your pleasure with  
23 respect to the rest of the items on the agenda?

24 (There was an off-the-record discussion  
25 about meetings and proceedings)



1 MR. FOSTER: I would like to point out we  
2 are now talking about what we decided to defer until  
3 after lunch.

4 I think these are good suggestions and it seems  
5 to me we can work this problem out without too much diffi-  
6 culty and certainly the chairman would think that any  
7 commission would have certain rights and responsibilities  
8 in the preparation of its own agenda, and certainly we  
9 should recognize the sort of problems that will come up.

10 MR. NICKERSON: My only reason for bringing it  
11 up is because you weren't here when it was discussed  
12 earlier.

13 MR. FOSTER: Why don't we set that aside until  
14 after lunch and settle that once and for all.

15 MR. McNEESE: As long as Mr. Wirth has touched  
16 on the origin of staffing we may have just enough time to  
17 hear something about the Land Acquisition --

18 MR. WIRTH: May I say that it is about time to  
19 leave here for lunch. We have cars in the garage that  
20 will take you to the Cosmos Club for lunch. It will take  
21 about 15 minutes to get there. The Secretary will be  
22 there for lunch and we invited the two senators and all  
23 the congressmen who introduced legislation on Cape Code  
24 to have lunch with you, and we have reserved rooms for  
25 twenty-five or thirty, and the Secretary will say a few



1 words there and we would like to be out of here in ten  
2 minutes.

3 MR. FOSTER: As far as Item Number 3, the staffing  
4 of the seashore, that item should be covered.

5 MR. WIRTH: I think I talked it over when I talked  
6 about Item 2. I introduced Mr. Gibbs who will be the new  
7 superintendent up there if all the papers go through in  
8 the regular forms.

9 MR. FOSTER: Item 3 has been covered to your  
10 satisfaction?

11 MR. WIRTH: I think so. We are working on our  
12 '63 budget, and in our '63 budget we have funds for manage-  
13 ment and protection and maintenance and rehabilitation,  
14 in the extent of 86,000 dollars for management and protection  
15 is taken care of in that; and the extent of \$108,000 for  
16 maintenance and rehabilitation which will help take care  
17 of some of the roads and buildings and utilities and so  
18 forth or any particular things we might have at that time.  
19 I felt we should have some estimate and not wait for a whole  
20 year so we have that in to present before the House.

21 MR. CHASE: There will come a time when you  
22 will have to do something for the protection of shellfish.

23 MR. WIRTH: I think we are staying out of the  
24 shellfish business.

25 MR. NICKERSON: I would like to suggest that







1 the Park Service have a tentative outline of personnel,  
2 not by names of individuals, but organization and names  
3 of individuals available for the immediate future and  
4 projects beyond that, if that is available, between now  
5 and the next meeting.

6 MR. WIRTH: May I answer it this way. We will  
7 be glad to do it but we still have to get the money from  
8 the Congress.

9 MR. NICKERSON: What I have in mind is we who  
10 live there are in a good position to judge the necessity  
11 of the Park Service from local points of view and we would  
12 have suggestions which we could send to our senators.  
13 I think we are going to be awfully shorthanded from what  
14 I have heard so far.

15 MR. WIRTH: We will do that but if it is accept-  
16 able to the commission I think we ought to work out a  
17 code to mark a certain way for your use and your use only  
18 and if we don't have that code on it there is no reason  
19 why you can't make it available if you want, in your  
20 discussions, but I do think certain things we have to do  
21 that way.

22 MR. CHILD: I understand there has been some  
23 hold-up in the appraisers.

24 MR. WIRTH: I have this report on appraisers.  
25 We have to get all our appraisers cleared through the



1 Attorney General's Office on the basis of whether they are  
2 qualified to appear in court if it is necessary.

3 I think we are getting the clearance on that  
4 today, is that right Mr. Lee?

5 MR. LEE: We have a meeting scheduled Monday  
6 morning with the Chief of the Lands Division.

7 MR. WIRTH: We are in pretty good shape and I  
8 think by the end of next week we should be ready to go  
9 through with our appraisals.

10 MR. MALCHMAN: I have been approached by people  
11 who are interested in obtaining jobs. Is it going to  
12 be the policy to hire locally or offices set up or who  
13 are these people being referred to?

14 MR. WIRTH: There are certain positions, like  
15 superintendent, that are career jobs. They are what we  
16 call uniform personnel.

17 We try our best to employ locally on all of our  
18 maintenance jobs. Those people live there and have  
19 houses and places to stay.

20 Those in the career service and going on up to  
21 my job some day, those are transferable people and they  
22 are under the Civil Service, but the others we have to  
23 employ in accordance with the regular government procedure  
24 from lists furnished us. The laboring group will be  
25 employed locally.



1 MR. WIRTH: It is the responsibility of the  
2 captain of the ship.

3 MR. NICKERSON: Who will be Mr. Gibbs?

4 MR. WIRTH: You can refer to him when he gets  
5 up there but there is not going to be any money until  
6 July 1, and I am just telling you in advance because  
7 appropriations will not be available until then.

8 MR. FOSTER: Any more questions on this subject?

9 (There were no questions)

10 MR. FOSTER: Are we right on time?

11 MR. WIRTH: Yes, I think so. Suppose we recess  
12 for lunch now.

13 MR. TOLSON: The cars are waiting in the garage  
14 to take you to the Cosmos Club for lunch.

15 MR. WIRTH: Suppose we resume at 2:00 o'clock  
16 this afternoon.

17 (Whereupon at 11:35 a.m. the meeting  
18 was recessed until 2:00 p.m.)  
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## AFTERNOON SESSION

(2:00 p.m.)

MR. FOSTER: Ladies and gentlemen. The gavel works.

I am so full of food and good fellowship, that I can hardly see straight, but I believe that the afternoon session of the Commission should come to order.

I would hope that we could proceed with some of these items on the agenda, and then, perhaps, end up where we left off this morning on the procedures that the Commission will follow in the meetings to come; so with your permission, I would like to move to Item 4 and get a status report on the Land Acquisition Program to date.

I believe Mr. Don Lee is prepared to comment on that.

MR. R. F. LEE: Mr. Chairman, members of the Commission.

I would probably best be able to describe the problem we have on Cape Cod by starting out to tell you not what we are going to do, but to tell you how our operations tend to differ from those of other Government departments, of which I could give one or two very definite examples.

There are certain Government Departments that are authorized to undertake projects and when they are, there





1 is an immediate premium on their ability to acquire that land  
2 as of the next morning.

3 The reason for that is, for example, if you took  
4 a Bureau of Reclamation Project, where they wanted to build  
5 a dam, they could not delay that acquisition program over a  
6 series of years. The reason for that is obvious. They have  
7 to have that land immediately so they can begin the construc-  
8 tion works that they have in mind for the dam and they have  
9 to have all of the dam, because they are going to flood it.  
10 They are going to go on with their development.

11 Likewise, there are certain units of the Armed  
12 Forces that have to have land for their purposes and when  
13 they move in to acquire land, they just go right on in.

14 They file a Declaration of Taking. They take  
15 the whole land. They say, "Here it is. We want it. Now  
16 we will talk to you about buying this land; paying for this  
17 land."

18 Our problem at Cape Cod on land acquisition is  
19 going to be different than that as we contemplate it now.

20 I think the Director has brought out in previous  
21 testimony, that what he has in mind is buying this land  
22 as we go along to the extent that we can. We will work  
23 with the owners on the Cape, in an effort to work out an  
24 orderly purchase program. Under that program, I expect and  
25 I believe Mr. Lee -- my counterpart here -- Donald Lee,



1 will second my statements that we do not have in mind any  
2 large scale. condemnation program that should alarm people  
3 on the Cape.

4 We will give probably all of the owners on the Cape,  
5 practically all the owners on the Cape, the opportunity to  
6 sit down with our Land Acquisition Officer, George Thompson  
7 here. We will give these people a chance to sit down and  
8 talk with us; what is a reasonable value for their land.  
9 We will try to buy those lands.

10 Now, you know and I know that there will be certain  
11 people who will believe that the price we are willing to pay  
12 will be different than what they think the value should be.

13 I expect there will be those cases, and when those  
14 cases arise, and I hope that they are kept at a minimum, then  
15 there may be no other alternative except ultimately to have  
16 a jury sit and decide what that value will be; but I can tell  
17 all of you this: That in over a quarter of a century, in land  
18 acquisition work with the National Park Service, with  
19 projects of a large scale, we have had men on the job to  
20 handle the work. We have purchased no less than 80 percent  
21 of the areas that had been involved in the various National  
22 Parks. I talk now about places like the Great Smoky Mountains  
23 National Park; the Everglades National Park; Mammoth Cave  
24 National Park; Royal National Park and one or two other areas  
25 that I won't trouble you by naming; but I anticipate that, as



1 we get into an acquisition program, we will be able to buy  
2 certainly at least three quarters of this area at prices that  
3 will be satisfactory to the local people who sell to us.

4 Now, as you know, under the Act, we have a very  
5 favorable situation for the land owners because this is one  
6 of the few Acts -- in fact, it is the only Act -- of its  
7 nature that has ever been passed by Congress in which there has  
8 been the same degree of solicitude shown for the owners that is  
9 reflected in this Act. That is, there are certain reserved  
10 rights that the owners, themselves, can elect to preserve  
11 if they desire.

12 That is in the form of life estates; estates  
13 for certain periods. So rather than go into an area, such  
14 as Cape Cod, the way some Government Agencies might, filing a  
15 declaration, lifting the title out of the land owners, im-  
16 mediately, as they have authority to do, we intend to proceed  
17 on this program on a purchase basis, and I think that will  
18 meet with response on the part of all of the owners because  
19 I am sure that all of us, myself included, would be very happy  
20 to sit down and talk to a Government man about how much his  
21 property is reasonably worth. That is the way we intend to  
22 approach that program; and I think it will do a lot of good  
23 with people there because they will not wake up some morning  
24 and find themselves in a condemnation court.

25 Now that I have described generally how we have in







5  
1 mind, generally approaching this program.

2 I will go back to September 7, I believe it is,  
3 or August 7, or whatever the date was in connection with  
4 this Act.

5 August 7, 1961 -- and tell you what happened there  
6 and I think I can answer the point that Mrs. Wiles raised  
7 this morning.

8 Immediately upon passage of this Act, we were an  
9 Agency that had no land acquisition organization. We had  
10 no information whatsoever regarding the ownership of Cape  
11 Cod. However, the telephone rang one day, and it was a man  
12 in the War Department who said, "We have 1700 acres there."  
13 And he said, "We did not extend the lease there. We have a  
14 lot of buildings that are dropped to us. What are we going to  
15 do about that?"

16 We had no organization. We had no title reports.  
17 We had no information whatsoever. So we did the logical  
18 thing. We consulted with the Department of Justice,  
19 because we had discovered that Camp Wellfleet had been  
20 acquired on a leasehold basis by condemnation by the  
21 Department of Justice on behalf of the Army, who had this  
22 missile base at Camp Wellfleet. And we had problems there  
23 with respect to what would happen regarding improvements  
24 that were on the land.

25 Now, we had no information about this. We had

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1 no organization. We had no chance to study. So, upon the  
2 advice of the Department of Justice and after consultation  
3 with the Department of the Army we said, well, we realize that  
4 this may create a wrong impression but the only way that we  
5 see that we can protect our interest here, all things considered,  
6 would be to file a declaration of taking; and we consulted  
7 with the Regional Office on it. Mr. Lee's office. We had  
8 nobody in Boston to talk to about it except the U. S. Attorney.  
9 This was entirely new to him. So we filed a blanket suit to  
10 take in all of the Camp Wellfleet.

11 Bear in mind, at the time we filed that suit,  
12 we had no title evidence whatsoever, and none of the attorneys  
13 in the Land Division called my attention to the fact that  
14 there was any land that was owned by estate or any municipal  
15 subdivision.

16 So we filed a suit taking in the entire camp area  
17 as the Department of Justice had done, when they lifted the  
18 leasehold interest out of the property owners, which gave  
19 them the right to Camp Wellfleet. We did talk to the  
20 Department of Justice after the suit was filed and we dis-  
21 covered subsequently that there probably were one or two  
22 ownerships in there, by political subdivisions of the State  
23 of Massachusetts, on both accounts.

24 Now, the fact we filed that whole 1700 acres, to  
25 answer Mrs. Wiles' question, does not mean that if the Common-

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1 wealth wants that thing back, that we have filed for -- bear  
2 in mind, when we file a Declaration of Taking and vest title  
3 in the United States, there is, under the Declaration of  
4 Taking, statutory authority under which we can revest the  
5 town, if it so elects, the title to that land.

6 If the town wants title to that land back and  
7 they make application with us, we will be glad to take it  
8 up with the Department of Justice and explain to them that,  
9 included in the original taking of the 1,700 acres, was a given  
10 acreage of the Wellfleet property. The Town of Wellfleet will  
11 have to decide itself whether they want to retain title to the  
12 acreage that they have in there, or whether they want to be  
13 reimbursed for it.

14 We are perfectly willing to reimburse the Town  
15 of Wellfleet for the reasonable value of whatever land was  
16 included in the original declaration of taking.

17 MRS. WILES: File it with whom?

18 MR. LEE: Advise Mr. Thompson.

19 MRS. WILES: Mr. George Thompson?

20 MR. LESS: That is right.

21 There is another possibility under the law,  
22 we have authority to exchange lands there. If the Town of  
23 Wellfleet would like to trade the land that it has in  
24 Wellfleet for other land outside, that probably can be  
25 worked out too, because the Department of Justice has broad





1 authority to enter into stipulations.

2 MRS. WILES: I think that would be a nuisance  
3 to the National Park Service, to have that land in the park;  
4 have that piece of land in the park. It would be a nuisance  
5 to them.

6 Likewise, it would be a nuisance to the town.

7 MR. LEE: I do think they would like to have  
8 an exchange.

9 The only point I want to make is it can be worked  
10 out in two or three ways. I feel absolutely sure in my  
11 mind that the divisions of law, and whatever must be done,  
12 can be worked out entirely to the satisfaction of the town  
13 of Wellfleet.

14 I point out, and assure you, if the Town of Wellfleet  
15 wants the title revested in the town, it can be done.

16 MRS. WILES: I know. I am sure of that.

17 MR. LEE: There is no problem there, whatsoever.  
18 That can be worked out very readily; either you can be re-  
19 imbursed for it, in which situation you keep it; it can be  
20 worked out in exchange; or we can revest title.

21 There are three possible courses. Any one of those  
22 can be worked out very readily.

23 Now, we therefore filed the suit at Wellfleet. That  
24 was so soon after the passage of this Act, as I have pointed  
25 out, that we did not have a full knowledge of what the whole





1 situation was there. So we did file the suit. We felt it  
2 was necessary at that time.

3 If there are any adjustments in connection with  
4 any of these lands in there; whether town lands or municipal  
5 lands, that can be adjusted very readily upon your advising  
6 Mr. Thompson of what your wishes are in the matter and he will  
7 advise us and we can work it out with the Department of Justice.  
8 There is no problem there, whatsoever.

9 MRS. WILES: Could I ask you a question? Could  
10 I ask another question?

11 I understand your purpose to get the land as cheaply  
12 as possible? That is, if you can get the land given to you,  
13 you would be very happy to take it.

14 Well now, what about someone who has a lot of land,  
15 and wants to keep out a small portion of it. Could that be  
16 done?

17 MR. LEE: It could be done under the law, but I could  
18 only answer that generally to this extent. When the Act  
19 contains the exchange authority, such as this Act does, the  
20 question is whether land there owned by the Federal Government,  
21 or land that will be a part of the Federal Government, should be  
22 exchanged. That is largely an administrative question. You  
23 You will have to consult with your local people -- Mr. Thompson,  
24 Mr. Gibbs -- to find out first, what you have to offer in  
25 exchange for the lands that we have. I would not be able to



10

1 answer your question generally except to state that it is  
2 entirely possible for an exchange of that nature to be worked  
3 out, and the Act covers that expressly.

4 MRS. WILLES: I think the public relations would be  
5 much better in these areas if they would try a little of that  
6 because, as I understand it, originally, when they were first  
7 talking about this park, they said that this land was not  
8 going to be taken in --- this person, particularly. They were  
9 going to take other land. It could easily be done, because  
10 the land adjoining their's would be in the park. It would be  
11 just coming out, just a small portion.

12 MR. LEE: That is entirely within the province  
13 of the Act. It is a possibility. That is a matter we would  
14 have to work out locally with people, after we get in there  
15 and find out just where the land is located, that is proposed  
16 to be exchanged. I am sure we would be very happy to talk to  
17 you about that.

18 MRS. WILLES: It would help a lot, as far as public  
19 relations is concerned.

20 MR. LEE: Now, to get back to what happened after the  
21 passage of this Act, we had no knowledge. The first thing  
22 we had to do was develop an organization. We had to figure  
23 out how we were to proceed. So we worked out what we thought  
24 would be a logical land acquisition force.

25 Mr. Thompson was selected as our Land Acquisition



11  
1 Officer. We ran into several problems immediately, of  
2 course, as we do in all planned acquisition problems and  
3 cases.

4 First-off, we had to have title evidence, and I  
5 have already talked to two or three of you people from the  
6 Cape, and you have mentioned to me the fact that it has  
7 already been brought home that you have quite a problem here on  
8 some of those titles; but we are working with the U. S.  
9 Attorney's Office, with the Lands Division of the Department  
10 of Justice, and with title companies, and conveyancing firms  
11 in Boston, to get the best title evidence that we can on the  
12 ownership of those lands, and also, the very important problem,  
13 which is associated -- how fast we can get those titles --  
14 is important.

15 We have a problem there, because the title companies  
16 do not operate on the Cape, as you know. The title companies  
17 and the conveyancing firms that we would deal with, probably  
18 all of them will be incorporated in Boston, although local  
19 people -- abstractors -- will be used, undoubtedly, to check  
20 those records and to make the title reports for the companies  
21 in Boston; but we had then, struggling with that, the ques-  
22 tion as to whether or not we could get title insurance  
23 policies of Massachusetts, which is something relatively  
24 new there; or whether we would use conveyance firms. We will  
25 probably decide within the next week. We have two or three







1 meetings scheduled, and I think we will be able to decide  
2 next week whether we will take, at Camp Wellfleet, a  
3 conveyancing firm or title insurance company, or whether  
4 we will split.

5 I have a meeting on that next week, but that is  
6 one of the things that we ran into, and one of the things that  
7 slowed us down, is just what title evidence we would require  
8 on the property and how we would handle it.

9 We also had an incidental problem to the land  
10 acquisition work, that has been, under the Act we would have to get  
11 a perimeter description drawn of the property. We have only  
12 recently entered into a contract to have that perimeter de-  
13 scription drawn properly so we can then develop a definite  
14 map showing the legal description in accordance with this  
15 Act of August 2. Just where these boundaries are,

16 A final question, probably the most important  
17 question to you people, is what will we pay for these lands?  
18 There you get down to the crux of the situation. We are  
19 working closely with the Department of Justice, in an endeavor  
20 to secure competent appraisers. None of these appraisers  
21 have been approached on the basis of, "We want you to appraise  
22 this land at a high rate or at a low rate." We have looked at  
23 one thing, and one thing only, in all of our consultations  
24 with the Department of Justice; namely, what are the quali-  
25 fications of this man? Has he had sufficient experience?



13  
1 Does he have sufficient knowledge of land values?

2 So that if we employ him to do appraisal work  
3 for us, he would give a good sound figure of value on  
4 the land involved.

5 Now, that may seem relatively easy, just explaining  
6 it to you as I have, but you get into more problems than  
7 appear on the surface.

8 First of all, while we might be satisfied with a  
9 man who has good qualifications to advise us on values,  
10 the Department of Justice looks at it a little differently.  
11 They have this problem, in the event that we are not able  
12 to work out a purchase deal with an owner, would this  
13 appraiser, if we use him, would he be the man that they would  
14 want to use in court?

15 He might be the best man in the world to write a  
16 report for you, but if you put him on the witness stand,  
17 he might fumble and mumble all over the place. You might  
18 get disgusted with him. That man there is not the man  
19 that the Department of Justice wants on the witness stand.  
20 They say, "If you want to hire him as an appraiser, you go  
21 ahead and do it, but we are not going to use it." If we  
22 hire him to make an appraisal for us, and it should develop  
23 we cannot get together on price, we would have to hire an  
24 entirely different man, and duplicate the cost, and say,  
25 "Now, we start over with this man and use him in this case."



1           So we are trying to coordinate our action with the  
2 Department of Justice, to be sure that everyone we hire is,  
3 first, competent to appraise values on the Cape. As I  
4 told you, there has not been any approach to a single one  
5 of these appraisers on the basis of trying to find out,  
6 are you a high appraiser or are you a low appraiser.

7           In other words, we hire these men purely and simply  
8 on the basis of their knowledge of real estate values. If they  
9 are high, all right. If they are low, all right. We class  
10 them on the basis of their efficiency.

11           We are coordinating these efforts of ours to hire  
12 appraisers. We are not calling any shots as to where they  
13 should be in the future, and we expect in the coming week,  
14 we will have the Chief of the Lands Division of the Department  
15 of Justice return, which should be Monday or Tuesday. We will  
16 be able to clear a panel of the appraisers, part of whom  
17 probably will be put in to start appraisal at Camp Wellfleet  
18 property and undoubtedly, we will assign other properties on  
19 the Cape in connection with the acquisition program.

20           MRS. WILES: Excuse me. With regard to the exchange  
21 of properties, supposing -- just take me for an example.  
22 Suppose I have an opportunity to exchange? Would that be  
23 binding, or would you later on come and say, "Well now, we  
24 made this exchange, but now you have nothing to exchange, so  
25 now, we are going to take your property away", or would that





1 be binding?

2 MR. LEE: I would only answer you in this way.

3 There is no general string on the power of the  
4 Federal Government to acquire land for properties, except  
5 within the limitation of this Act, but to get back to your  
6 point. If the Park Service worked out an exchange program,  
7 I feel very confident, from the past experience I have had over  
8 many years, as Mr. Wirth has for many years -- Mr. Wirth had  
9 the same position that I have right at the present time --  
10 I could not conceive of the Park Service Officer -- or I  
11 don't know of any case in over a quarter of a century with  
12 the Park Service -- that after we worked out an exchange, we  
13 subsequently came back and said, "It is true, we swapped some  
14 land, but now we don't want to swap with you."

15 In 25 years, I don't know of a case where that has  
16 been done. I want to point out that under the law, it may  
17 be something that came up. However, that has never been done  
18 in any case with the National Park Service.

19 MRS. WILES: People involved in the exchange will have  
20 to rely on the integrity of the United States Government.

21 MR. LEE: I would say you have not only integrity,  
22 but you have many, many years experience in that type of thing.  
23 So when the Park Service works out the exchange, you can be  
24 sure they have not worked out the exchange until they have been  
25 satisfied that the ownership of the parcel that is swapped off





1 to you is entirely satisfactory to them, in accordance with  
2 their administrative wishes.

3 MR. WIRTH: We would not swap any land that would  
4 be necessary for park purposes. Mr. Lee is saying that there  
5 is no way in which we bind some other body of the Government  
6 at some later date; but some other project might come along  
7 that might require that land. As far as the Park Service  
8 is concerned, I think you will find that to be a matter  
9 of record, but as to some other project which might come  
10 along, to say, "I will swap that land", there is no way I or  
11 Don Lee can now say that will not happen.

12 MRS. WILES: Of course, in our deeds, where  
13 it says, "unto his heirs and assigns forever", it looks  
14 as if that doesn't mean anything any more.

15 MR. WIRTH: I think it means an awful lot.

16 MR. LEE: I think, Mr. Wirth -- as you know,  
17 I don't know how long you were Chief of Lands -- it was  
18 some years back, ahead of my time.

19 MR. WIRTH: I am not counting the years any more.

20 MR. LEE: I know of no case in twenty five years --  
21 I am sure Mr. Wirth can remember longer back than that --  
22 neither of us know of any case where there was any exchange  
23 of land where the Government insisted later on, on acquiring  
24 this same land. I point that out. There are thirty years  
25 of operating experience that I think ought to carry some



1 weight with anyone who goes into this question.

2 I will ask if there are any questions, because  
3 as of this moment, I more or less divorce myself from the  
4 operation, because we now have a Land Acquisition Office  
5 that we established at Cape Cod. This is under the new  
6 direction of Mr. George Thomson. All of the little problems  
7 that have to be worked out there, will be his problems.  
8 Negotiations will be his problems.

9 Now, the Director's Office will get into some major  
10 problems, but we will nevertheless, let the operation be  
11 conducted at the grass roots, as explained by Mr. Thompson, but  
12 before I turn it over to Mr. Thompson, I will be glad to  
13 answer any questions concerning the Park Service policy  
14 that anybody would like to ask.

15 MR. FOSTER: I should have probably mentioned,  
16 Mr. Donald Lee is Chief of the Lands Division, and given  
17 him his full title.

18 Before we get into questions, and I am sure you have  
19 them, I have a bit of bad news for anyone who is holding  
20 plane reservations back to Boston. Apparently, the early  
21 flights have been cancelled and Mr. Lee very kindly offered to  
22 assist any of you in, perhaps, making train reservations  
23 or hotel reservations if you decide to stay over if there are  
24 any people who are in that unfortunate predicament.

25 (Discussion off the record regarding plane reserva-



1 vations.)

2 MR. FOSTER: One other thing, if you will.

3 We have quite a lot of ground to cover here. I  
4 think it would be helpful if we give whoever is making the  
5 presentation, a chance to cover the whole subject.

6 I don't wish to shut anyone off at all; and then  
7 open the floor up for questions when he is through, and again,  
8 not adhering too strictly to detail, I think it would be help-  
9 ful if you would request the Chair to recognize you and then  
10 take the floor. This, I think, would enable us to proceed  
11 efficiently.

12 Are there any questions of Mr. Lee before Mr.  
13 Thompson gives his talk?

14 MRS. WILES: I would like to ask one question.

15 Where you have the Audubon Society, that has around 398  
16 acres of good land, that is very good for reservations, there  
17 is a lot of marsh land in connection with it. They ask that to  
18 be a part of the pot. And well, we asked that something  
19 be taken out of the pot. They took this land, which it gets  
20 taxes from, anyway. Would it not be possible to work out  
21 something with the Audubon Society and give them some other  
22 land, because in a way, it is detached from the rest of the  
23 pot.

24 It doesn't seem hardly right. I don't think many  
25 of you realize the repercussions of this thing. Our young





19

1 are going to have to leave town in order to get work. I am  
2 not saying that just to be saying something. It is true;  
3 and it seemed to me something different could be worked  
4 out by the Audubon Society.

5 MR. FOSTER: Were you suggesting that, perhaps,  
6 the Audubon property be returned to the town?

7 MRS. WILES: I don't suppose you have the right to  
8 turn it over to the town. It would have to be -- the  
9 Audubon Society would voluntarily take some of them in,  
10 because they could do something else; or for a part of  
11 the pot, we could put it in the pot, and give something else  
12 for the 396 acres that we don't get taxes on.

13 MR. FOSTER: Mr. Wirth, I know of the property.  
14 I have been on the property, and I would say this to you.  
15 Your suggestion is well taken and as we prepare our plans,  
16 we would give consideration to bringing it up before the  
17 Commission, after we have studied it.

18 MRS. WILES: You understand that the Audubon Society  
19 did not ask me to say this.

20 MR. WIRTH: Yes, I realize that; but your statement  
21 is well taken. We will look into it and we will bring it  
22 up before the Commission, before the boundary lines are  
23 established.

24 MRS. WILES: Let's hope that it will be given good  
25



20  
1 consideration.

2 MR. FOSTER: Thank you.

3 MR. MARLOWE: The day before yesterday, there was  
4 a story in the Cape Cod Times. It started out naming persons  
5 in the province town area, who desire to obtain a leasehold  
6 area. What does that mean, precisely?

7 MR. FOSTER: Mr. Lee, do you have any knowledge on that?

8 MR. LEE: Well, under the Act of course, there are  
9 certain elections that land owners have with respect to asking  
10 for turns, and I think it rather improvident to state that  
11 the application should be made in Washington. I think the  
12 application should be made right here, to Mr. Thompson. That is,  
13 the local office that will be handled by Mr. Thompson, on the  
14 ground floor.

15 MR. WIRTH: You refer to province now?

16 MR. MARLOWE: Yes, in the province land.

17 MR. WIRTH: We, of course, have no jurisdiction over  
18 that at all. Those are still state lands, and it takes  
19 state action to transfer them over to us. We should not get  
20 into the decision of that particular thing.

21 MR. LEE: I can clarify this if you will read  
22 the article and tell who said that.

23 MR. MARLOWE: Well, it said a government official --  
24 this was a Mr. Hess, Legal Assistant. He said the state had  
25



21  
1 no authority. It is up to you.

2 MR. FOSTER: We have gone over the boundary line,  
3 back and forth. We thought we were in accordance with, at  
4 least, the general wishes.

5 MR. MARLOWE: This is a state official, giving him  
6 an answer.

7 I have no quarrel with it except one of the top  
8 officials asked if I heard about it. I said the first  
9 impression that the story made, I think unfortunately, was  
10 that almost anyone can apply for the leasehold once it  
11 became the province property.

12 MR. FOSTER: The Chair will take it upon themselves  
13 to find out what it is all about. I confess the Chair is  
14 in an enigma.

15 Any further questions?

16 MR. NICKERSON: I have a question I would like to ask,  
17 Mr. Lee has described the procedure with respect to the land  
18 within the firing range of Wellfleet. Is that the same procedure  
19 they would follow in other towns in the area?

20 MR. LEE: Under the Act, as you know, the towns  
21 will be exempt from condemnation.

22 "Any property or interest therein, owned by  
23 the Commonwealth of Massachusetts, by any  
24 of the towns referred to in section 1 of  
25 this Act, or by any other political sub-  
division of said Commonwealth, may be  
acquired only with the concurrence of such  
owner."





1 That was followed in this instance, and what may  
2 have been left unsaid there, was that they would require the  
3 town to take some action if there was resistance, so to speak.

4 I don't know of any instance where an Act contains  
5 an exemption on a municipal organization or political organiza-  
6 tion from acquisition where we don't first approach the town.  
7 For example, you might find, as a town, you might like to  
8 dispose of that property and be given just return for it.  
9 It will be perfectly satisfactory for us to sit with Mr.  
10 Thompson here, and have it appraised. If you accept it,  
11 buy it from us, all right. You buy it from us.

12 MR. NICKERSON: I was thinking of the condemnation.

13 MR. LEE: It would not be condemned.

14 MR. FOSTER: There is no provision condemning the town  
15 land there, and according to law, we have no right. They have  
16 exempt it. Any time they want it, all they have to do is  
17 write a letter. According to law, you have no right to do  
18 it -- come and take this out.

19 MR. NICKERSON: Do they have to do that?

20 MR. FOSTER: I will get in touch by one means or  
21 another and ask, "Do you want it out or in"; but as far as  
22 any other land is concerned, we hope they will give or  
23 sell the land; in other places, exchange lands.

24 MR. NICKERSON: As I understand it, it requires  
25 two-thirds vote. The town cannot dispose of local land





1 without two-thirds vote.

2 MR. FOSTER: Whatever your local laws are will  
3 prevall, but we have no authority, according to this law;  
4 but even if it were not written here ---

5 MR. NICKERSON: The law reads, with the concurrence of.  
6 It does not say, with the prior assent of.

7 MRS. WILES: Could I ask a question?

8 I would like to ask Mr. Thompson, if you will try  
9 to cooperate with these people if they do come here and ask  
10 for exchange property. Are you going to go along with that?

11 MR. WIRTH: What I was going to say -- I am  
12 off track now -- I forget just what I was going to say,  
13 but the question of the exchange depends on whether we  
14 have land for exchange as well as our willingness to do it;  
15 and also, land that would be acceptable here.

16 MR. NICKERSON: I have one more question, Mr.  
17 Chairman, that I would like to address to Mr. Lee.

18 You said in respect to privately owned land, that  
19 if there was no agreement as to price, the redress of course,  
20 is through the courts.

21 Is that the Federal court?

22 MR. LEE: Yes. All actions that are instituted  
23 for park land will be instituted in the Federal court.  
24  
25



24  
1 They have three procedures that they can follow.

2 One, either side can waive a jury or a Commission  
3 and let the Judge try it. That is unusual. Most of the  
4 Federal Courts are leaning toward the Commission type of proceed-  
5 ing. They have a point. The three Commissioners are, probably  
6 a lawyer; probably a real estate appraiser; probably a  
7 businessman in the area. They will sit as a Commission of  
8 three. They will hear the cases. The Judge feels for  
9 the most part, the theory of it is these three Commissioners  
10 can express a more intelligent view than a jury of twelve  
11 people picked.

12 However, you also have a procedure you can use.  
13 You can request a jury trial.

14 In other words, you have various possibilities.  
15 It depends on how you proceed in the action itself.

16 MR. NICKERSON: Any one of the three actions  
17 would require concurrence of the other party? In other words,  
18 the plaintiff would not have to --

19 MR. LEE: No. If the defendant objects -- my  
20 understanding of it is this. I would suggest there, you better  
21 check locally with Moulten, because Moulten is the  
22 Assistant United States Attorney in Boston who will  
23 probably be directly in charge of this program in the U.S.  
24 Attorney's office. I think, if you find the defendant  
25 objects to the judge hearing it, the judge will say, "All



1 right. We will set it before a Commissioner. If you file  
2 an objection to the Commissioner, you can ask for a jury  
3 trial.

4 MR. NICKERSON: The ultimate choice is for a  
5 jury?

6 MR. LEE: The Judge will decide what is to be  
7 done. If you voice objections to, first, having the judge  
8 hear it, he will say, "All right. I will set it up before  
9 the Commissioner." If you say, "I object to having it heard  
10 before the Commissioners" in all probability -- I am just  
11 giving you the probabilities of the case -- he will say,  
12 "All right. We will let a jury try it."

13 MR. FOSTER: But it is up to either side to ask  
14 for either a Commission or a jury.

15 MR. LEE: That is what they call a pre-trial  
16 decision.

17 MR. NICKERSON: Something like the pre-trial  
18 hearings they hold in cases?

19 MR. LEE: Right.

20 MR. FOSTER: The Chair has a question of Mr. Lee.  
21 You made no mention of any time table, when you  
22 might be in a position to begin negotiating the properties,  
23 or are you currently doing that?

24 MR. LEE: No, we have not done that yet, Mr.  
25 Foster, for the simple reason that we have not as yet had





1 our appraisers selected.

2 We got the panel now. We think we are going ahead  
3 -- we have not entered into the contract with them for that,  
4 but as and when we do, the Department of Justice asks that  
5 we concentrate first on Wellfleet because that is in litigation  
6 now and we will assign, probably, part of those appriasers to  
7 the property and I would guess, probably, that Mr. Thompson  
8 would start a discussion on that. Maybe I am a little  
9 optimistic.on that.

10 MR. MC NEECE: I will subscribe to the same  
11 question, but go a little bit further, and ask if you  
12 have any projects as to when sufficient land will be ac-  
13 quired, so that the Secretary can declare that enough  
14 land was had.

15 MR. THOMPSON: That is more than just a land acquisition  
16 problem. Let me say this. First off, we would want to acquire  
17 certain lands that will round out the area. Mr. Lee is  
18 going to talk to you about certain steps that we have up there.  
19 We have to have what we call ministerial unit, that is set  
20 aside as the nucleus. You can add to that. There are  
21 certain lands that we have in mind, and Mr. Lee being the  
22 Administrative Officer directly on that, he had better  
23 address his remarks to you in another part of the program  
24 but my remarks don't go on that part.



1 MR. FOSTER: We will let Mr. Thompson out of this  
2 now.

3 Mr. Thompson, of course, is Land Acquisition  
4 Officer on Cape Cod.

5 Do you have anything to add, Mr. Thompson?

6 MR. THOMPSON: Mr. Chairman, Mr. Commissioners,  
7 since opening up the office last October, the staff has been  
8 assembled there and are now assembling data and gathering  
9 information as to map descriptions, tract descriptions,  
10 and so on.

11 We have had numerous people come into the office,  
12 asking that we list this property for sale. We also had  
13 numerous inquiries through letters and telephone conversa-  
14 tions. We have listed those in the order in which they have  
15 been received. To date, we have approximately 150 tracts  
16 that the people have asked that they put on, which they  
17 gave us for sale.

18 That embraces approximately 5,000 acres -- 5,000  
19 odd acres. We have gone to Barnstable County, and obtained  
20 the description of the deeds. We also got, in a majority of  
21 places, plats of books of 150 yard tracts that had been  
22 offered for sale. There are 70-odd that are offered. Now,  
23 we have no question about it, as to the description of them;  
24 as to the condition of the deed.

25 There are others that are in very good shape, while



1 there are a few that are pretty hard to find. You have to go  
2 through more intensive search; but as a start, with those 70  
3 land quarter tracts, we hope to set up a priority, an  
4 attendant priority opposition, whereby we can block in,  
5 and assuming the state-owned land will be transferred, we  
6 feel that with that as a nucleus, we probably would  
7 have sufficient acreage.

8 That is our objective in scheduling those acres  
9 in the order of priority for the acquisition, so we can round  
10 up a sizeable unit, where we can go forward to answer any  
11 necessary questions; and Mr. Lee had mentioned that the appraisers  
12 will be, we hope, assigned to us shortly. As soon as that is  
13 done, we will get the appraisers in and we can start negotiat-  
14 ing with the individual owners, to where we can arrive at  
15 an agreement, and have an option signed, and that is our  
16 approach to it right now; and we feel that we have sufficient  
17 information in our office with which we can proceed in that  
18 direction.

19 I don't think there is much more I can say regarding  
20 this matter but that is the general picture, as we see it,  
21 at this time.

22 We have a few more to be named to our staff to  
23 round it out but we hope that will soon happen.

24 MR. FOSTER: Thank you very much, Mr. Thompson.  
25 Any questions the Commission may have?





1 MR. DYER: Mr. Chairman, I think I have one question,  
2 and perhaps you can enlighten us on that. That is the question  
3 of where land construction was started on September 1959,  
4 regarding condemnation, and I think some other land is within  
5 the area.

6 I am just wondering -- there are certain people that  
7 adhered right to that bill, and they really made some hardship  
8 cases. It would seem, from the standpoint that some of these  
9 people that made pretty good money had plans of, in a year  
10 or two, building their home on it; people that were going to  
11 retire, perhaps, and then this comes out in the bill, and it  
12 comes out because the bill was passed of course, and they live  
13 right up to it. I think it has caused a hardship upon these  
14 people. I know of two or three cases where they paid \$4 or  
15 \$5 thousand dollars for a lot, and it was about this time,  
16 perhaps, a year ago, that they were going to work and build  
17 a home. Now, they are not in a position, some of these people  
18 -- his neighbor alongside, has a nice home he built in the mean-  
19 time, that did not pay much attention to this. He has a hard-  
20 ship case right now. He cannot do anything until he gets some  
21 work. He cannot go out and buy a hot meal of his own. What  
22 would we do about that?

23 MR. FOSTER: Any comments, Mr. Thompson, on that?

24 MR. THOMPSON: In some of those instances, we are  
25 investigating to determine if they are actually hardship cases,





1 in which case the schedule there of acquisition, at an earlier  
2 date, so far as continuing the building within the seashore  
3 area. In other words, since the early part of December,  
4 there were 3,000 issued. Several of the homes that were  
5 started, by the time I got there, we have contacted those  
6 individuals, and there are ten instances where I know the  
7 continuing of the construction stopped; where they had not  
8 gone forward. There may be one or two instances that we  
9 have not caught up with yet but in the majority of cases,  
10 it is slow procedure.

11 Now, as you mentioned, there are those hardship  
12 cases where they have invested money in that particular  
13 property and they are not going ahead and building, but  
14 we are considering those cases, and if we can get together  
15 with those people so that we can get their loan out, and they  
16 can go ahead and build somewhere else, we would hope to do  
17 that.

18 MR. FOSTER: Does that answer your question?

19 MR. DIEHL: Surely.

20 MR. FOSTER: Any other questions?

21 MR. NICKERSON: Do I understand, Mr. Thompson,  
22 that you said that the acquisition of the state owned lands  
23 was a prerequisite of the discussion to be followed in the  
24 seashore?

25 MR. THOMPSON: I would not say it is a prerequisite.



1 It would be very helpful if that acreage would be so  
2 acquired, or transferred, at a very early date. then if you  
3 block in, to the south of the State land, it would just mean it  
4 would take that much more time in order to acquire an equal  
5 amount of land to give us a substantial acreage that would be  
6 considered as useable units.

7 MR. NICKERSON: The position of the County Government  
8 is to seek, from the Government of Massachusetts, assurances  
9 that the conveyance of the state-owned lands will be postponed  
10 until after the various involvements which are now in progress  
11 have been completed, for the purpose of determining whether  
12 there should be any stipulations, and if so, why, for the  
13 protection of the Commonwealth, with respect to these lands.

14 Now, the situation is such that it is my opinion,  
15 assuredly, that the state-owned land will be transferred.  
16 The only question is the timing. There may be some exceptions  
17 or minor involvements but in general, those state-owned lands  
18 will be undoubtedly transferred to the park.

19 So the question in my mind is that if the Federal  
20 Government complies with the request of the County Government,  
21 the effect that this postponment will have, if they postpone  
22 such action until this survey has been completed. Does that  
23 mean that the establishment of the park will be postponed  
24 until the actual acquisition of the land from the state will  
25 be accomplished, with the knowledge that there is almost a





1 certainty that they are going to be acquired?

2 MR. FOSTER: Mr. Wirth, would you like to take a  
3 crack at that?

4 MR. WIRTH: The only way I can answer that is this.

5 We certainly will take that into consideration. We  
6 have to have a sufficient unit, or get to the point where we  
7 are assured of sufficient unit, to justify a request for funds  
8 to go ahead with the improvements, and to do it within the  
9 scope of land, so that what what we do -- for example, suppose  
10 we have 150 acres here, completely surround by private land.  
11 It immediately reflects our entire valuation around it. We  
12 feel we have to have a reasonable thing to present.

13 Now, what that is, it would be almost impossible  
14 for me to say here, and it is the kind of thing that we would  
15 want to talk over -- this Commission -- when we get further  
16 along.

17 MR. NICKERSON: The state-owned lands are entirely off by  
18 themselves. They are not in the midst of other land, except  
19 I think, some privately owned land, but not large apartments.

20 MR. WIRTH: That is right.

21 But one of the subjects down here is the master  
22 plan. We would like to do with this Commission; what we  
23 propose to do; what we have in our mind to do, is to proceed  
24 with our proposed development and units, on how to best use  
25 the land to preserve and protect it. Then come up with what





1 lands are necessary first, in order to actually establish that,  
2 although we will take over the protection of any lands that  
3 we do have.

4 MR. NICKERSON: My point was simply this, I think.  
5 That it would be highly desirable if the park could be  
6 established on the assumption that this land was to be  
7 conveyed without necessarily waiting for the actual conveyance  
8 because this may be delayed.

9 Now, Mr. Foster's capacity, as a State Officer, would  
10 have a different opinion, but my opinion is that it is quite  
11 possible that the actual turnover of the state land will be  
12 delayed until later this year -- possibly even beyond that --  
13 but I would think later in the year; later in this year.

14 MR. WIRTH: The calendar year?

15 MR. NICKERSON: The calendar year.

16 This calendar year; so that the problem there is  
17 not of whether the Federal Government is going to have these  
18 lands. I feel confident they will. It is a question of when.

19 MR. WIRTH: If we had that assurance, that they are  
20 definitely coming, and the time table is a little uncertain,  
21 I think that would make a big difference.

22 MR. NICKERSON: I am speaking now as a member of  
23 the Advisory Commission to the County Commissioners. Mr.  
24 McNeece is also on that Committee. He can confirm or not,  
25 my impressions, which is that there is no objection on the part



1 of the County Government, to the turning over by the State  
2 the province land or the building fringe lands in general.

3 The County's position is that the timing of it should  
4 be such that if there are stipulations that are vital to the  
5 County's system, or to the Town's system, they may come to  
6 light with this thing, with stipulations. One of the obvious  
7 ones is mesquite control. It is a stipulation they should be  
8 allowed to go in and do their work, which they were denied  
9 for a time by the Wildlife Service at Monmouth.

10 MR. CHILD: When will a report be furnished?

11 MR. THOMPSON: I would like to refer that question  
12 to Mr. McNeece. He has more recent information than I have.

13 MR. MC NEECE: Mr. Chairman, I understand that it  
14 will be signed and sealed by the middle of next week.

15 MR. NICKERSON: Do you mean the national funds?

16 MR. MC NEECE: Yes, sir. This has been held up  
17 because of the need or the desirability of obtaining  
18 matching funds under the 801 program, or the 701 program.

19 MR. CHILD: When a report would be finished, was  
20 my question.

21 MR. MC NEECE: I was trying to arrive at that  
22 conclusion. The Blair Associations proceed only to a  
23 certain point. The county proper has \$25,000 and under this  
24 Federal matching funds program, the Federal Government will  
25 only match that part of the funds which have not been



1 expended. It did not seem wise to proceed beyond the 5,000  
2 mark because beyond that, every dollar that you spend, you  
3 are losing \$2.00 or so of matching funds. There has been a  
4 drag in getting this program actually through but on the  
5 information which I obtained yesterday, this will be completed  
6 next week.

7         The Blair Associations said that from the time that  
8 they began their study, they would complete it within nine  
9 months. As far as the impact on the lower Cape town is  
10 concerned, as far as the study as it affected the whole  
11 county, they expected it would be a matter of a year. I  
12 think it is very vital therefore -- I assume that this was going  
13 to come up further on, in the agenda. I think it is very vital,  
14 therefore, that the planning which is being undertaken by the  
15 county to determine the impact of the National Seashore on the  
16 economics of the various towns, to coordinate the planning  
17 of the various towns with the National Park Service, as far  
18 as entrances and exists and locations of various facilities  
19 are concerned; I think that it is very vital that the  
20 National Park Service and the planning agency and the county  
21 work very closely together on this program.

22         Of course, it is a concern of all of the towns  
23 on the Cape, but most particularly, the lower Cape towns, but  
24 the end result of the establishment of a National Seashore  
25 may not be that one section of the lower Cape will be pre-





1 preserved in a natural, beautiful condition, but the  
2 rest of it be unsightly. There must be adequate zoning  
3 for the design of traffic flow, and so forth.

4 So it is hoped that all of this is going to mesh;  
5 that the actual declaration of the establishment of the  
6 seashore will come after all of this planning has been  
7 done.

8 MR. FOSTER: The Chair can, perhaps, contribute  
9 something here.

10 I cannot speak officially for the government, but  
11 I can report what has been under consideration in recent  
12 weeks.

13 Quite obviously, the point of the County Commissioners  
14 is well taken, that the recommendations, at least in tentative  
15 form, of the Planning Associations, should be available before  
16 this question is resolved; but I am certain that the Government  
17 would like to place the matter of the province land and the  
18 Pilgrim Spring Park before the current session of legislature.  
19 I suspect he would entertain a postponement of that matter  
20 until such time as the planning information came to be avail-  
21 able; but it has been his intention right along, to have this  
22 matter considered by the current session of the general assembly.

23 MR. NICKERSON: May I add something to that?

24 This is a personal opinion on my part. I think  
25 this presents an opportunity for the Park Service to make a



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1  
2 terrific case for itself in its public relations by joining  
3 with the county government in trying to achieve a coordination  
4 of its planning with that of the county government's planning  
5 and working with the Governor to the point that such action as  
6 he may recommend to the legislature, at this time, in this  
7 session, would be coordinated with the mutual ends of that.  
8 Now, this is a little tricky; a little complicated. I ap-  
9 preciate it, but it seems to me there is a terrific opportunity  
10 to build up a local acceptance. Just how, I don't quite know.

11 MR. WIRTH: I would like to address myself to  
12 that, Mr. Chairman.

13 MR. FOSTER: Mr. Wirth.

14 MR. WIRTH: I say this. We are extremely happy over  
15 the fact that the county is doing this and I can assure you  
16 that they would be very glad to tie in our thoughts with their  
17 thoughts; make them available so that their planning for the  
18 overall has our thinking, whether they actually accept it  
19 or not is another thing, but as far as our planning, we must  
20 do it as quickly as possible, because it is important for  
21 us to move on it, as we acquire it, as soon as possible, in  
22 detail. We would like very much to establish that relationship  
23 with the county and with the towns, and the zoning, and every-  
24 thing else, so that when we come out, we are hopeful we have  
25 one pattern and one plan that, at least, we can all accept.



Whether we agree with all the details or not is really a minor thing because a lot of those details change from year to year as progress changes.

MR. NICKERSON: I would like to answer Mr. Child's question a bit further, as to the timing.

This bill was signed on the 7th of August, 1961. On August 8, 1961, because of the advanced planning of the County Commissioners and the Advisory Committee, a contract was signed with the Blair Association. It was contemplated at this time, that this section, involving six towns, would be completed within nine months from that moment.

It subsequently developed there was an opportunity to do a better job. That was the sole reason for this development and delay. They were ready and set to go but the work has been held up because of the desire of tying it in with the State and Federal Agencies involved, That is correct, in your opinion? What you know about it?

MR. FOSTER: Yes. I think this has been a worthwhile discussion. We strayed a little bit from our agenda but we strayed constructively.

We now come to Item No. 5, I think, and part of No. 6.

I think we should turn to another item on the agenda which I know is on the minds of a great many of the towns involved in the seashore. That is No. 3. The question of



1 zoning standards and the question of timing, as far as  
2 town meetings are concerned.

3 I understand Mr. R. F. Lee, who is the Regional  
4 Director, has some comments to make on Item 6.

5 Mr. Lee.

6 MR. LEE: Mr. Chairman and members of the Commission,  
7 I will be happy to make a few comments on this. Mr. Wirth  
8 may have some observations in addition.

9 I know that the towns are all very much interested  
10 in this because obviously the issuance of the zoning standards  
11 where the procedures require clearance by Congress, and by  
12 the town meetings, and through the States, is going to take  
13 some time. And we are very much interested, too, in all  
14 the owners of improved property. We are naturally very much  
15 interested, because this has a direct bearing on their status.

16 Now, the National Park Service, through the Washington  
17 office principally, but with some cooperation from the regional  
18 office, has prepared a set of guide lines which the law  
19 requires and those are ready and are here for distribution  
20 to the members of the Commission, and I read them in their  
21 present form, for the first time, last evening, and was  
22 agreeably pleased with it. The impression I had was that  
23 they are quite simple and direct, and I believe there are  
24 -- or may well be -- points in them that will need an adjust-  
25 ment.





1 I think they have a very good approach to the problem.  
2  
3 It is necessary to get this matter before this Commission,  
4 before all of you, and before the towns and before all who  
5 are concerned as well as before the public in general, which  
6 the Secretary of the Interior endeavors to do with all matters  
7 of this kind.

8 It has been concluded that we would pass these out  
9 to the Commission today and they will be sent within, I am  
10 sure, within three or four days -- next week, Mr. Wirth  
11 says -- to the towns and to the Congress, and it will be  
12 published in the Federal Register at the same time.

13 Now, the law requires, as you may recall, that both  
14 the proposed regulations and the final ones will be published  
15 in the Federal Register. The fact that they are published in  
16 the Federal Register is only a notice that there is now an  
17 opportunity to make comments on them, and there is a period  
18 of 90 days for comments, and thereafter, they will be -- all  
19 of the comments will be considered and such changes as the  
20 Commission and the Service agree upon shall be made, and then  
21 they will be published in the form in which they would become  
22 effective. Thereafter, the towns would have these as a guide-  
23 line for drafting zoning measures that would conform with the  
24 Secretary's requirements.  
25

*sequence?*



1 I don't believe there will be too much to be gained  
2 by going through these in detail. I might mention that they  
3 do provide for a seashore scenic shore and for a seashore  
4 historical zone. In fact, there are three historical zones.

5 I am sure before the 90 days are up, we will be  
6 meeting again, and we will have an opportunity to go over  
7 them. I will be happy to answer any questions I can on  
8 this, or related matters.

9 MR. FOSTER: The Chair would suggest that we perhaps  
10 not go in any details on these zoning standards but make  
11 this, perhaps, the preliminary order of business at our next  
12 meeting, to give you a chance to look over then.

13 I think there is a question, Mr. Lee, on the  
14 timing involved. Am I correct on that, in that presumably,  
15 these standards have to be adopted in satisfactory form,  
16 prior to the one year from the date of the Act?

17 Do you have any comments on that?

18 MR. LEE: Well, I know that the question has been  
19 raised, and it is important and it is a serious question,  
20 obviously, because under a strict interpretation of the  
21 law, if the zoning measures are not in effect by the time  
22 of a year has expired, that is, by next August 7, the Secretary  
23 of the Interior presumably is authorized to condemn property  
24 that is not protected by these standards; but the Secretary  
25 has recognized that there is a problem in the letter, I think,



1 to the Commissioners of Barnstable County, and I don't have a  
2 copy here.

3 MR. NICKERSON: I have a letter I received yesterday  
4 from the Secretary. Would you like to see it?

5 MR. LEE: I think it would be helpful.

6 MR. NICKERSON: This was written on the 15th of  
7 January, and copies of my letter were sent to each member  
8 of the Commission,

9 "Can you give me, as a member of the Advisory  
10 Commission, any assurances that the Secretary  
11 will extend the August 7, 1962 time limits  
12 sufficiently so that there will be time to  
13 carry out the other provisions of these sections  
14 before the Secretary's authority to acquire  
15 property by condemnation takes effect with respect  
16 to a through property?"

17 That is my question.

18 His letter, which I received yesterday, dated  
19 February 13, reads as follows. That is his signature, so  
20 apparently, it was a top level decision.

21 "Dear Mr. Nickerson:

22 We recognize, as you have mentioned in your  
23 letter of January 15, that it will be difficult  
24 or even impossible for local governing bodies  
25





1 "in the Cape Cod area to enact acceptable  
2 zoning bylaws prior to August 7 of this year,  
3 on which date the one-year suspension of  
4 the power of condemnation automatically  
5 terminates with respect to improved property  
6 in the Cape Cod National Seashore area.

7 "This Department does not believe that it  
8 would be appropriate now to agree to an ex-  
9 tension of the time for a stated period beyond  
10 the August 7, 1962, date set forth in section  
11 4(b)(1) of the act of August 7, 1961 (75 Stat.  
12 284.) However, the National Park Service does  
13 not plan to act hastily or arbitrarily in the  
14 matter and certainly does not intend to com-  
15 mence condemnation automatically after August 7  
16 against owners of improved property as that term  
17 is defined in the act. Our wish in existing  
18 circumstances is that local authorities proceed  
19 as rapidly as possible with the enactment of  
20 adequate zoning bylaws. If this is done, the  
21 situation you mention will be considered  
22 sympathetically.

23 "We are gratified by your interest in the  
24 Cape Cod National Seashore project and are  
25 looking forward to working with you as a member





1 "of the Advisory Commission.

2 Sincerely yours,

3 /s/ Stewart L. Udall

4 Secretary of the Interior."

5 Now, in my opinion, the critical sentence is  
6 this one:

7 "Our wish in existing circumstances is  
8 that local authorities proceed as rapidly  
9 as possible with the enactment of adequate  
10 zoning bylaws. If this is done, the  
11 situation you mention will be considered  
12 sympathetically."

13 The existing circumstances are, as of February  
14 13, there would be regulations. As of next week, the regulations  
15 will be printed so that changes the circumstances.

16 MR. WIRTH: May I address myself to the subject?

17 MR. FOSTER: Mr. Wirth.

18 MR. WIRTH: We often run into a problem like  
19 this when a definite time is set, within a recent legislation  
20 and you have organization problems, before you can get down  
21 to do certain things. There is no intent on the part  
22 of the Department or the Service to be arbitrary and to  
23 set an arbitrary date. We have proceeded as rapidly as  
24 we can with what we have here in the zoning statute.  
25



1           We have even gone forward with the issuing for  
2 publication in the Federal Register, without discussing it  
3 with the Commission, just because we felt time was of the  
4 essence, and we ought to get them out so they can be con-  
5 sidered.

6           We have had considerable experience in the past,  
7 at least some of us, in this professional field, of the time  
8 it takes to get zoning considered by the public; the machinery  
9 that has to be set up by local communities in considering  
10 zoning. It is not an easy job. It is not a question that  
11 the town fathers can sit down and resolve, and say, "We  
12 approve this." They have to hold a public hearing. They  
13 have to consider those things. Zoning is one process that  
14 is a community activity; perhaps more than any other form  
15 of government because everybody has an opportunity to sit  
16 down and talk over how they want their various properties  
17 to be protected.

18           So all I can say here, at this time, that the  
19 Secretary meant there was that we want you to have a reasonable  
20 time consider. We have framed something here as the first  
21 draft, to look over and to talk about and we are not asking  
22 for your opinion now. We jumped the gun by going and printing  
23 it before even meeting, so we would have it rolling, and have  
24 a decision as to what the final decision of the Secretary will  
25 be. It will not even be considered by the Secretary until after



1 the 90 days because it is open for discussion at least 90  
2 days, according to law, and after that, then the various  
3 representatives would have to be considered by the  
4 Secretary before he makes a final determination.

5 So I don't think -- I think this letter is  
6 well put and the question is brought up. I hope the  
7 Secretary's letter was satisfactory. He could not say, "We  
8 will extend it to January 7, or February 7 of next year,"  
9 or six months, or two months, because it would be just as  
10 hard to do that as it would be to try to work it out; but  
11 I will say this: That there will be no -- I can go on  
12 record with this. I can safely say there will be no  
13 final decision made until at least, we have had a meeting,  
14 a discussion, and we have notified you that we are going  
15 to make a final decision, and what time we are going to  
16 do it.

17 MR. NICKERSON: May I make a suggestion, Mr.  
18 Chairman?

19 MR. FOSTER: Mr. Nickerson.

20 MR. NICKERSON: I recognize that you cannot pre-  
21 determine a date but it would be practical, would it not,  
22 when this proposed -- these regulations are transmitted  
23 to the Selectmen of the various towns, could the Park Service  
24 write a letter accompanying this, which would say in effect,  
25 that with respect to improved property as defined in the





47  
1 Act, that, provided no substantial changes were made in  
2 such improved property by the owners thereof, they would  
3 not exercise the power of condemnation pending a reasonable  
4 time allowance for the carrying out of these necessary  
5 steps for the accomplishment of the division of the law.

6 MR. WIRTH: I don't see why we cannot do that.

7 MR. NICKERSON: What I am thinking of is that this  
8 letter, if it were sent to the Selectmen of the various towns,  
9 would allay these fears which are probably more imaginary  
10 than will ever develop in fact, and yet, it would build  
11 confidence in the communities, as to the way it will be  
12 handled.

13 MR. WIRTH: May I say this, Mr. Chairman.

14 We will be only too glad to do that, and I think  
15 it is agreeable to the Commission that we say that, at the  
16 request of the Commission, we have taken up this matter.

17 MR. NICKERSON: To follow on that --

18 MR. FOSTER: May I ask anyone if they have any  
19 objections to that procedure, if they would so indicate?

20 Hearing none, I would presume this is the wish  
21 of the Commission. I think it is an excellent suggestion.

22 MR. NICKERSON: May I add one thing; that would  
23 leave the Department of the Interior completely free, if  
24 somebody owns improved property and started to get funny,  
25 with them, so long as they did not do anything of a sub-



48 1     stantial nature to the improved property.

2             MR. WIRTH: A very reasonable request.

3             MR. MC NEECE: I was going to ask Mr. Wirth to go  
4 one step further and suggest that no action be taken relative  
5 to this part of the Act in establishing such regulations,  
6 until such time as it became a part of the general plan study  
7 that is made, so that if it becomes necessary to make any  
8 alteration in the zoning ordinance of the various towns,  
9 as a result of the Secretary's requirements, they can coin-  
10 cide with whatever alterations we may be advised to make  
11 by the Blair Association, which means in effect, that we will  
12 be accomplishing all that is necessary, as far as zoning  
13 alterations, with one meeting and perhaps two.

14            MR. FOSTER: The Chair could perhaps offer something  
15 on that.

16            The Division of Planning of the Department of  
17 Commerce at the State level, at my suggestion, has put several  
18 men to work to go over the existing zoning by-laws in the  
19 towns that are affected by this Act, in relation to the  
20 tentative standards that were submitted sometime ago and  
21 it has been the feeling of those professionals that only  
22 relatively minor changes would be required in most of the  
23 existing by-laws to cover the objectives of the seashore.

24            MRS. WILES: Mr. Chairman --

25            MR. FOSTER: Excuse me just a moment.



1           With the exception of these places, such as  
2 historical sites, this would be something entirely new;  
3 but in terms of basic ground, most of the towns would conform  
4 rather closely with what we have in mind.

5           There is a reservoir of assistance that is  
6 available and ready, in addition to the assistance offered  
7 by the Blair Associations, who assist towns in drafting  
8 any of the necessary changes that would be required.

9           MRS. WILES: In our last town meeting which  
10 was only this last week -- Thursday -- no, Wednesday --  
11 they did have some zoning or planning laws up for consideration  
12 by the town but they also voted at that meeting, that they  
13 would seek professional help, and so the town turned them  
14 down. I mean, turned down the plans, thinking it was rather  
15 useless for them to vote on a set of plans; then to seek  
16 professional help and have to rescind all of those, maybe,  
17 and put in a new set. It is going to take some time to make  
18 this survey and to come up with the plans.

19           MR. NICKERSON: This subject, Mr. Chairman, that  
20 we are talking about, applies only to improved property as  
21 defined in the Act, if I understand it. It would not  
22 interfere with any other acts.

23           MR. CHILD: Can you change the building zone, other  
24 than with a town meeting? It has to have a two thirds majority.  
25





1 MRS. WILES: Yes.

2 MR. CHILD: It has to be a regular town meeting.

3 MR. FOSTER: No, it can be a special meeting.

4 MR. MC NEECE: It depends on your by-laws.

5 MR. NICKERSON: It would vary from town to town.

6 MR. FOSTER: I believe this is governed by state law,  
7 is it not?

8 MR. MC NEECE: No. The town governs that by their  
9 own body.

10 They may amend their by-laws, either at a special  
11 or an annual town meeting.

12 MR. FINLAY: How about the two thirds.

13 MR. MC NEECE: That is statutory.

14 MR. ROSTER: Any other questions on this question  
15 of zoning standards; recognizing that the bulk of our  
16 attention will have to come at the next meeting.

17 Thank you very much, Mr. Lee.

18 I think we have several other matters that we  
19 need to consider. Item No. 7, we touched on already.

20 The importance, in degree of progress, in  
21 relation to a Master Plan.

22 I wonder, Mr. Wirth, whether you would like to  
23 comment any further on that particular item.

24 MR. WIRTH: Well, I do, to this extent.

25 I don't know whether you people are thoroughly





1 with what we consider a master plan. We take a considerable  
2 amount of pride with the fact that as an agency of the Govern-  
3 ment, at least, we were one of the early agencies that started  
4 on master plans. In fact, we have a hard time finding some-  
5 body prior to 1917 or 1918 that ever used the term of master  
6 plan in the lines we are talking about.

7 Our master plan consists of a series of sheets and  
8 descriptive matter which outlines details of the development  
9 and also describes the objectives of what we are proposing  
10 to do with the area and why we do it. In other words, a  
11 complete story of the overall development of the proposed  
12 project.

13 They are maintained and revised constantly as the  
14 change in times require. A copy is always kept here in  
15 the Washington office; one in the Superintendent's office  
16 and one in the Regional office and they are always available  
17 for discussion and checking and explaining the park area;  
18 official park limits, or something else; to go to the field  
19 to discuss problems, which are usually discussed over the map,  
20 over the master plan, and such changes as might be thought  
21 desirable are then written up and circulated through the  
22 proper channels to various people involved, and the different  
23 types of use of land, to those in charge of the different  
24 types of use of land and consequently, it is kept up to date  
25 and altered from time.



1           We use that as a basis of submitting our submittals.  
2   We try to work our scale of development, like Camp grounds,  
3   and so forth, based on that plan. As we get money, then we go  
4   into detail in that particular area. We have started on  
5   that, as you all know -- some of you -- that we have had  
6   parties in the field on measuring of historic buildings  
7   at Cape Cod. Those are key points that must be taken into  
8   consideration in any development and we have made those,  
9   because we feel that historic buildings, even -- I mean --  
10   that are privately owned; the recording of those should  
11   be in some archives. They are placed in the Library of  
12   Congress and placed there. That is already under way. We are  
13   making some basic studies, and we will be bringing those  
14   plans and those programs, which go under the master plan,  
15   before the Commission, as they are developed, to keep you  
16   posted and to discuss with you the various phases of it --  
17   the reason why this is in and this is not.

18           That does not mean, because we lay a plan before  
19   you this time, and and make studies on it, that that plan  
20   is going to be changed, but when that plan is changed, it may  
21   come before the Commission -- something may come up that  
22   requires an alteration. We have a statement here that we use  
23   quite often for our own manual, I might say, and also explain  
24   to you people, just what our master plans consist of. It  
25   is brief. It describes what it is.



1  
2 I thought, Mr. Chairman, that I would have these  
3 processed, which I have, and I thought I might distribute it  
4 so you can take it home for reading matter, to get you  
5 acquainted with the way we are proceeding with our planning.  
6 I will say it is only three or four pages, but it does give  
7 you an insight of how we propose to tackle our problem of  
8 planning of this area. As I say, as your meetings are called  
9 from time to time, we will bring phases of this, as we  
10 develop it, and gradually, the puzzle, the jig-saw puzzle,  
11 will fit in together, and we will come out with the overall  
12 composition. With that thought in mind, I would like to  
13 distribute these, if you can just pass them down, so that  
14 you get some idea of how we are trying to tackle our  
15 problems.

16 MR. MC NEECE: I would just like to suggest, I just  
17 paid 55 cents, I think, for the 1960 report. I think, if you  
18 could make it available -- I admit it is great reading.

19 MR. FOSTER: We will be glad to get copies of  
20 that, of the Annual Report of the Secretary of the Interior.

21 MR. NICKERSON: Mr. Chairman, may I suggest he get  
22 a credit for 35 cents?

23 MR. MC NEECE: I am only kidding.

24 MR. WIRTH: I will tell you, I don't know any way,  
25 once he puts the money in there, he can get it back out again.





4  
1 We will send you another, copy, however.

2 MR. NICKERSON: I understand the Rockefeller  
3 Committee has just made a report. In that report is a reference  
4 to the Cape Cod area. Do you know about that?

5 MR. FOSTER: No, sir.

6 MR. NICKERSON: It is not applicable. It is the  
7 Recreation Resources Review Commission. It deals with  
8 the overall problem of parks and recreation at all levels.  
9 It does not make any particular areas, except, maybe, as an  
10 example rather than as a thing to do; or whether any should  
11 be established or not. It also recommends the establishment  
12 of a special bureau of a grant-in-aid for the planning of  
13 parks and recreation areas throughout the United States, and  
14 all levels of the government, like some of the states have  
15 done in various forms; like New York has done and New Jersey  
16 has done; Wisconsin has done. This would be a Federal aid  
17 in over-all state planning, and planning plus a grant of  
18 funds, perhaps, on a matching basis, but I think more detail  
19 on that will be coming out in the next session of Congress.  
20 At least, we are all standing by with bated breath to find  
21 out what is coming out in connection with that, as to the  
22 Administration's attitude but I know they are not interested.  
23 Just how far they will go, I don't know.

24 MR. MC NEECE: How can we get copies of that report?

25 MR. FOSTER: I think I can answer that. I believe



1 the report is totally out of print at the present time.  
2 I talked to the Executive Director the other day and  
3 reprinting is in order.

4 MR. WIRTH: I will say, we got a total allotment  
5 of fifty copies to the National Park Service, and that is  
6 not very many but if I can get some, if we can get some,  
7 I will be very glad to send each member of the Commission  
8 one.

9 MR. FOSTER: Are there any questions on this master  
10 plan program, without getting into details?

11 Mr. Wirth, do I understand that the terms of progress  
12 in the historic building portion is the only part that is really  
13 under way, or have you made substantial progress in it?

14 MR. WIRTH: The historic building survey is  
15 applicable, whether the sea shore is there or not. So we  
16 took advantage of the fact we were interested in the seashore,  
17 and we go back in there this year. We will try to finish up  
18 in two years. We are attempting to go up there, or are up there,  
19 at the present time. Do you know, Ronnie?

20 MR. LEE: The Master Planning Team have it up on  
21 the details. They are back in Philadelphia. They will be  
22 returning to the Cape from time to time to continue their  
23 studies. There is a landscape architect; an engineer; and  
24 an architect. They are now working on a preliminary analysis  
25



1 and will follow that with others; then the H.A.B.S. team,  
2 it is hoped they will be up there in April, although it  
3 seems a little early to me. Some of them are college students.

4 MR. FOSTER: What do the initials mean?

5 MR. LEE: That means the Historical American Building  
6 Survey. It has been running for 26 years now, off and on.

7 MR. WIRTH: The way we operate that, by the way, is  
8 usually through the University, by providing funds, and we  
9 usually get the professor from the architectural school and  
10 they have graduate students, who are seniors, who team up  
11 and go out and make these surveys, and we get the benefit  
12 of it at a reasonable price, and get more for our money; and  
13 the American Institute of Architects has teamed up with this,  
14 so we have a joint project which is coordinated by the National  
15 Park Service and the American Institute of Architects, in  
16 selecting the building.

17 MR. MC NEECE: I just wanted to ask for the  
18 definition of a historic building. That is not an original  
19 Cape Cod cottage? Does it come within the meaning of  
20 historical today?

21 MR. WIRTH: I am not a historian.

22 MR. MC NEECE: You have a historian, I think,  
23 standing right by you.

24 MR. WIRTH: He is an ex-historian. I might say here,  
25 here is our master plan. We have the original plan here.





1           This is the way they go in some detail, in the  
2 change, and so forth.

3           The Cape Cod master plan, as it  
4 stands today, that is the kind of thing that will govern  
5 and it will be available on Cape Cod as we develop it, for  
6 review, and anybody is welcome to look at our master plan.  
7 They have a right to it. It is the way we proposed to do it.  
8 We don't know whether it agrees with us.

9           We want to know what we are trying to do.

10          MR. FOSTER: Are there any other questions on  
11 the Master Plan Program?

12          If not, I think we can move on to Item 8, which  
13 is again, I think, the subject that concerns a great many  
14 members of the Commission. It is what sort of Information  
15 Program is planned for the coming year, particularly with  
16 relation to people who might be wishing to visit the  
17 National Seashore.

18          Mr. Lee, do you have any comments on that?

19          MR. LEE: Well, I think here is where one of the  
20 numerous areas are, in which we need the advice of the  
21 Commission.

22          George Thompson sent in to me a few days ago,  
23 a postcard that has been published, and it is now available  
24 on the Cape, which reads: General boundary map of the Cape  
25 Cod Natural Seashore.

It shows the whole area. I don't know how many





1 have seen it. Have you seen it?

2 MR. FOSTER: I have not.

3 MR. LEE: I think you could pass it around. This  
4 is the sort of material of the business that is on the Cape  
5 and that is what is shown on the postcard; what is going  
6 to be built there. We don't own any of this land except  
7 Camp Wellfleet and it is going to be quite a time before  
8 we own additional lands.

9 One of our problems is what we are going to do  
10 in the spring and summer, in receiving visitors; what we  
11 will tell them; how we will channel them; how we are going  
12 to work together during this period, when we are meshing  
13 our various programs, such as the proposed land zoning program.

14 We are keenly aware that we have a problem, and we  
15 believe that the towns also have a problem, and private  
16 property owners have a problem, and we want to get together  
17 in some way of tackling this as soon as possible, so that  
18 I am sure it is a problem out there, but its dimensions are  
19 going to grow rapidly, as we get into good weather.

20 Now, Mr. Gibbs is going to be up on the Cape very  
21 soon. We have a publications officer in our regional office,  
22 a very capable young man named Bill Brown. We have another  
23 man who is a good naturalist and writer, named Myron Sutton.  
24 I intend to send those two people up to work with Bob and  
25 the people of the Cape on some sort of program of public



1 information, but any suggestions that any of you have will  
2 be very welcome.

3 MR. WIRTH: Are there any suggestions? This is  
4 a good group for suggestions.

5 MR. NICKERSON: I have a suggestion. This is  
6 a subject which is going to take a lot of time for discussion.  
7 I suggest we put it at the top of the agenda for the next  
8 meeting of this Commission and have the next meeting as soon  
9 as possible.

10 MR. FINLAY: The Cape Cod Chamber of Commerce  
11 should be brought in this, with their publicity.

12 MR. NICKERSON: Perhaps they should be invited  
13 to attend that session.

14 MR. FOSTER: I believe that is a good suggestion; and  
15 have the representative of the Chamber meet with us at our  
16 next meeting.

17 Is that agreeable with the group?

18 (Ayes)

19 MR. MALCHMAN: I have a memorandum from Mr. Boyle,  
20 who is the trustee of the largest private property that is  
21 going to be taken over. He has already written through  
22 the Commissioner to the Inspector. He has suggested that  
23 notices be put up in all Post Offices, that the area has  
24 not been declared a park as yet, and the private park area  
25 should be re-recommended. He asked me to bring it up at this

some time

which is why it is not at all

some time

which is why it is not at all

60  
1 meeting.

2 MR. JEE: It is an important question.

3 THE CHAIRMAN: Mr. McNeece.

4 MR. MC NEECE: The report of this meeting, I imagine,  
5 will be given wide publicity in the press.

6 I wonder if there might be an opportunity at this  
7 time, to put something into that publicity that would be  
8 effective in notifying the American public not to expect  
9 too much too soon.

10 MR. FOSTER: It seems like a good suggestion,  
11 as far as I am concerned. If that is agreeable with the  
12 Commission, we certainly can attempt to put that point  
13 across.

14 MRS. WILES: May I have that again?

15 MR. FOSTER: The suggestion made by Mr. McNeece  
16 was that in any publicity given to this first meeting  
17 of the Commission, perhaps some emphasis should be given  
18 to the fact that the Seashore is not yet sufficiently  
19 established. So perhaps, in the first official release  
20 from this group, we would make mention of the property.

21 Is that agreeable.

22 (Ayes.)

23 MR. DIEHL: Mr. Chairman, when we go back to the  
24 Cape, I feel certain that we are going to be asked by the  
25 various newspapers, and so on, what went on and so forth.





1 Is there anything that goes on here, that would  
2 not be permissible to give them? Can you give us a general  
3 outline of that?  
4

5 MR. FOSTER: I believe we will have to give that  
6 some consideration after we finish with this, in terms of  
7 how to handle it; who will speak for us; and how, as individual  
8 Commissioners, we can handle this obvious problem, and I believe  
9 we should get into it, but perhaps we better finish this item  
10 first.

11 MR. NICKERSON: We assume, as a premise, that there  
12 will be no facilities for the national park in the summer of  
13 1962; or should we assume there will be limited facilities?

14 MR. LEE: I think the latter will be an assumption.

15 Now, we have among ourselves, been talking about  
16 the possibility of an information station somewhere, at a  
17 strategic location, where as many people could be served as  
18 possible. That might involve some special arrangements with  
19 one or another of the towns, to find a location that would  
20 serve the purpose. We will of course, have acquired Camp  
21 Wellfleet. There are problems in putting Camp Wellfleet  
22 to use this summer, because it was used, as you know, as  
23 an anti-aircraft base, and there are problems. I think  
24 the Army calls it decontamination, that will still have to  
25 be solved. Now, if those were solved, we might be able to



1 able to direct people to a point where we could have a little  
2 elbow room and a little parking space, and some exhibits in  
3 which we could inexpensively, but I would hope effectively,  
4 get across a little, the idea of the status of the park.

5 We have been thinking along that line but we have not  
6 arrived at a plan.

7 MR. MC NEECE: Are you contemplating any facilities  
8 for the public to use, other than just the observation of  
9 things?

10 MR. LEE: We have talked about that but we arrived  
11 at no conclusions whatever. Our own master plan work is still  
12 in its very early stages, and this is the kind of thing we  
13 would like to have the benefit of your thinking on; and I  
14 think, at the next meeting, we could advance our ideas of  
15 what would be a good thing to do.

16 In fact, I think we would attempt -- if you want to put  
17 that on the agenda in a high location for the next meeting --  
18 we would attempt to come in with some kind of a plan for  
19 discussion; perhaps a publication, perhaps an information  
20 station, whether we are or whether we are not going to try  
21 to do something at Camp Wellfleet this summer.

22 MR. FOSTER: The corps of the Chamber of Commerce  
23 there, would be helpful, very helpful. They contact how  
24 many thousands of people in their information stations?  
25 Something like 50,000.



1 MR. WIRTH: I would think so.

2 Well, I believe that offer would be very acceptable,  
3 at least to the point of discussion for our next meeting.  
4 I think that would help the Commission a great deal.

5 Are there any other comments on this question of  
6 the information program.

7 MR. FULTON: The mention of the Cape Cod  
8 Chamber of Commerce led me to ask if any consideration can  
9 be given to multiple Chambers of Commerce? There is  
10 some feeling that the Cape Cod Chamber of Commerce operates  
11 primarily for the benefit of the Cape area, rather than the  
12 lower Cape area. There seems to be rivalry there and I know,  
13 in the case of individual groups, there are a couple of the  
14 other members on the group that might be of some value when  
15 you people distribute that information.

16 I know this process, about 15 - 20 thousand  
17 pieces a year; and also all inquiries to the Chamber of  
18 Commerce.

19 MR. DIEHL: Might not the local Chambers of  
20 Commerce send an individual representative from each of  
21 the groups?

22 MR. WIRTH: I wonder whether, as a Commission,  
23 we should not consider this question ourselves, perhaps;  
24 perhaps invite the people we need to attend part of the  
25 session.





1 Just keep in touch with them.

2 MR. LEE: I think, Mr. Chairman, if I might make  
3 a comment, if there is time, depending on when the next  
4 meeting of this Commission comes, we are making a preliminary  
5 plan. We might contact the Chambers of Commerce in the six  
6 towns in the course of thinking out what might be desirable,  
7 and before this next meeting -- as well as the CapeCod Chamber  
8 -- and come in with some reactions.

9 MR. FOSTER: That is an excellent suggestion. I agree  
10 with it.

11 MR. MC NEECE: It is better, because it is going  
12 to bring prestige for the localized park service. That is  
13 what we want them to do.

14 MR. FINLAY: What I had in mind primarily there,  
15 the advertising probably will be, in fact, standard. Now,  
16 if there were some way they could work this in.

17 MR. FOSTER: Could we leave this as a request of  
18 the Park Service, that they contact not only the Cape Cod  
19 Chamber but other Chambers of Commerce prior to the next  
20 meeting and provide Boards of Trade, as well as provide us,  
21 with the benefit of suggestions in terms of public information  
22 program. Then this Commission may consider what should be  
23 done in the way of assisting here?

24 Is that agreeable to the members of the Commission?

25 (Ayes.)





1 MR. WIRTH: All right.

2 Now, the last order of business, before we are  
3 all thrown in here for good, would be the conduct of the affairs  
4 of the Commission itself, and I was cunningly informed by  
5 Mr. Nickerson that a meeting was held, I believe, last week,  
6 was it?

7 MR. NICKERSON: I think so -- about a week ago.

8 MR. WIRTH: With a great many members of this  
9 Commission present, to present some tentative suggestions  
10 on procedure.

11 I do believe we have some questions to decide.

12 (1) How the Commission will transact its business.

13 Who will speak for the Commission.

14 (2) We have, I think, a question to resolve  
15 on public statements or coverage by the press, of the affairs  
16 of the Commission, and we would welcome any suggestion from  
17 members of the Commission as to how we should proceed from  
18 here on.

19 MR. NICKERSON: Mr. Chairman, in view of the fact  
20 that I was the one that instigated these specifics, inasmuch  
21 as I have had some minor changes of opinion in my own mind  
22 since I sent them to you, I would like to offer these  
23 suggestions.

24 First, I would like to suggest that we vote as  
25 follows:



1                   This is for simplification: that in all  
2 votes and records of this Commission, the words, The Act,  
3 shall mean the Act provides for the establishment of a  
4 Cape Cod National Seashore, 75 stat. 284, Public Law 87-126,  
5 87th Congress, S. 857, that is the caption on this thing --  
6 August 7, 1961, and amendments thereto, which would simplify  
7 our records.

8                   MR. WIRTH: Is this in the form of a motion?  
9

10                  MR. NICKERSON: I would like to make it that  
11 way.

12                  MR. WIRTH: Is there a second?

13                  MR. DIEHL: Second.

14                  MR. WIRTH: It has been moved and seconded that in  
15 all the votes and records, the words "The Act" shall mean an  
16 Act to provide for the establishment of Cape Cod National  
17 Seashore, with the proper references and any amendments  
18 thereto.

19                  Is there any discussion on this motion?

20                  Perhaps you might like to clarify what you had  
21 in mind.

22                  MR. NICKERSON: It is simplification of bookkeeping,  
23 if you simply say The Act, rather than have references  
24 to this Act.

25                  MR. WIRTH: Would there be any other Act that the



body may conceivably refer to, that you have in mind?

MR. NICKERSON: I had no other Act in mind; it was simply a matter of simplification.

MR. WIRTH: Any further discussion?

All in favor?

(Ayes.)

MR. WIRTH: Opposed?

(None)

MR. WIRTH: It is so moved.

MR. NICKERSON: Now, the next one, Mr. Chairman, we have already elected a secretary but we have not specified his term of office and I should like to offer a motion that his term of office, of the secretary, shall be concurrent with that of the members of the Commission.

MR. WIRTH: The motion has been made. Do I hear a second?

MRS. WILES: Second.

MR. WIRTH: A motion has been made and seconded that the secretary of the Commission serve for a term concurrent with that of members of the Commission.

Is there any discussion of the motion?

If not, all in favor say Aye.

(Ayes)

MR. WIRTH: Opposed?

(None)





1 MR. WIRTH: It is so ordered.

2 MR. NICKERSON: I have another motion. Do you  
3 want me to go ahead?

4 MR. WIRTH: I think they are very helpful.

5 MR. NICKERSON: The duties of the secretary shall  
6 include keeping of records of the meetings of the Commission;  
7 and providing each member with a copy thereof.

8 Secondly -- here I want to make a change. I used  
9 the word "issuance. I think it should be preparation rather  
10 than issuance, so "2" would read: The preparation of all  
11 official statements describing the Acts or advice of the  
12 Commission, providing each member with a copy thereof; and

13 (3) Handling the office correspondence of the  
14 Commission.

15 Now, by way of explanation, changing that word  
16 from issuance to preparation, leaves the manner of issuance  
17 entirely open to termination, and presumably, the Chairman  
18 would be the one to issue it, but the secretary would be the  
19 one to prepare it.

20 How does that idea strike you?

21 MR. WIRTH: There are no objections on my part.

22 Are there any objections of any members.

23 MR. MC NEECE: What was that last?

24 MR. NICKERSON: " \* \* \* describing the Acts or  
25



1 advice of the Commission and providing each member with a copy  
2 thereof", and finally, the handling of the office correspondence  
3 of the Commission.

4 In other words, any correspondence addressed to  
5 the Secretary or the National Seashore, would be handled by  
6 the secretary, by direction of course, of the Commission.

7 MR. WIRTH: This of course, can be handled in either  
8 of two ways; either by a secretary, or it can be handled by  
9 the Chairman.

10 MR. MC NEECE: That is the question I had in mind.

11 MR. NICKERSON: Perhaps that should be changed.

12 MR. MC NEECE: It might be more properly handled  
13 by the Chairman, based on materials, --

14 MR. NICKERSON: -- prepared by the secretary.

15 What I am driving at is this. We don't want ten  
16 people each speaking for the Commission officially. We want  
17 one person speaking for the Commission or saying what the  
18 Commission acts on -- on official levels.

19 MR. LEE: I offer a comment from the standpoint  
20 of the Service -- the Park Service, in the Department.

21 In the case of other Commissions that I have had  
22 experience in working with, at least, we have often found  
23 it necessary to correspond on some subjects with the Chairman  
24 and on some subjects, with the secretary.

25 For example, there might be many matters relating to



1 the records of the meetings, and so forth, that involve  
2 the secretary and may not involve the Chairman.

3 On the other hand, there may be matters that involve  
4 the Chairman; maybe about when we are going to have the next  
5 meeting.

6 MR. NICKERSON: Why not omit that entirely, that  
7 Item 3, for the time being at least.

8 MR. MC NEECE: My only thought was that the  
9 Chairman could conduct whatever correspondence is necessary  
10 on the basis of material submitted to him by the secretary,  
11 which would be factual records, of any conclusions that they  
12 have reached.

13 MR. WIRTH: You would suggest to the Commission,  
14 the omission of No. 3?

15 MR. NICKERSON: I don't know. I just raise that  
16 as a question. I think what I am seeking here, Mr. Chairman,  
17 is the elimination of points of confusion, error, misunder-  
18 standing, for the future, insofar as possible; and that is  
19 the solution of this.

20 MR. WIRTH: Do any members of the Commission have  
21 any thoughts on this, as to who should speak for the Com-  
22 mission?

23 MR. MALCHMAN: Mr. Chairman, I think we have  
24 inherited what is a natural, cumbersome situation here.  
25





1 Since the Chairman happens to live in Boston,  
2 when any question comes up, he will be a natural target for  
3 the Boston newsmen, TV sets, and so on.

4 The secretary lives on Cape Cod, some distance  
5 from our office, and to keep this coordinated might get  
6 a little involved.

7 I think whatever you may decide should not be  
8 too inflexible. It should leave some flexibility, so that  
9 the Chairman may exercise his good judgment and I believe  
10 not find himself in a position of saying, "I cannot say  
11 anything. You have to see the secretary on the Cape."

12 MR. NICKERSON: You go along with omitting Item 3?

13 MR. MC NEECE: Yes. I think the general purpose  
14 is no statements will be made which will be inconsistent with  
15 whatever action the Committee votes on.

16 MRS. WILES: Mr. Chairman, as an individual, we  
17 can say what we please -- not speaking of the Advisory  
18 Commission. Just as a private citizen.

19 MR. FOSTER: Definitely; but I think you should  
20 recognize, as members of the Commission, your statements  
21 are given an entirely different prospective than they would  
22 if you were not a member.

23 MRS. WILES: You don't want to be tied, so you  
24 can't say anything.

25 MR. CHILD: It seems to me the superintendent  
should be somewhere in this resolution here, if he is going





1 to be at all our meetings. His name should, perhaps, appear in  
2 this resolution in some way.

3 MR. WIRTH: Are there any suggestions you would  
4 care to make?

5 MR. CHILD: I don't know what has been done before.  
6 Perhaps Mr. Lee could tell me.

7 MR. LEE: Well, if you are thinking of the kind  
8 of correspondence on subjects that are before the Commission  
9 for consideration, that is one kind of communication. If it  
10 is a matter of statements to the press, that is another kind  
11 of communication, and I believe that the problem arises  
12 more in regard to the latter than to the former.

13 I think there will be a good deal of correspondence  
14 back and forth between various levels of the secretary's  
15 office, the Director's office, the Regional office, with  
16 the Chairman, and the members of the Commission. We are  
17 corresponding now about your travel.

18 MR. NICKERSON: I suggest we strike out "3"  
19 entirely; and Mr. Chairman, that would leave us with two  
20 things -- that the secretary would keep the records, and supply  
21 each member with a copy, and that he would prepare all of-  
22 ficial statements, describing the actual advice, which would  
23 be a matter of record, which were based on the records.

24 MR. WIRTH: Are you putting this in the form of  
25 a motion?



1 MR. NICKERSON: I would be glad to do that.

2 MR. WIRTH: Any seconds?

3 MR. MC NEECE: Second.

4 MR. WIRTH: It has been moved and seconded that  
5 the duties of secretary shall include (1) keeping of  
6 records of the meetings of the Commission and providing  
7 each member with a copy thereof;

8 (2) The preparation of all official statements,  
9 describing the Acts or advice of the Commission, and  
10 providing each member with a copy thereof.

11 Is there any discussion on the matter?

12 I presume this is agreeable with the secretary.

13 Any suggestions?

14 MR. MC NEECE: I would not say it was very happily  
15 received by the secretary.

16 MR. WIRTH: No serious objection, though?

17 MR. MC NEECE: If any of the members of the  
18 Commission find they are not receiving copies of statements,  
19 or if there are errors or omissions, I assume I will learn  
20 about it, and there will be an effort made to correct the  
21 record.

22 MR. WIRTH: That is certainly understandable.

23 Any further discussion on the motion?

24 If not, all those in favor say Aye.

25 (Ayes.)



1 MR. WIRTH: Opposed?

2 (None)

3 MR. WIRTH: It is so ruled.

4 MR. NICKERSON: The next one may not be necessary  
5 at all. That was, "The Secretary is authorized to pay  
6 the expenses reasonably incurred by the Commission in  
7 carrying out its responsibilities under this Act upon  
8 vouchers signed by the Chairman", as provided for in  
9 Section 8 (d) of the act.

10 MR. WIRTH: The Chair would fee that it is not nec-  
11 essary. I think we covered that this morning. The records  
12 of this meeting include that.

13 MR. NICKERSON: The next motion I would like to  
14 offer -- this is not quite prepared at the moment -- to  
15 state the specific date, but in the original draft here,  
16 it reads: The Commission shall meet regularly until  
17 further notice, at 2:00 p.m., on the first Monday of each  
18 month, at the Headquarters, the Cape Cod National Seashore.  
19 When the first Monday falls on a legal holiday it should  
20 be the next day following.

21 My concern is that there should be a definite,  
22 predetermined meeting date. There may be meetings in between,  
23 on the call of the Chairman -- something of that kind, but  
24 there would be a predetermined meeting date.  
25





1           Furthermore, I am assuming that the National Sea-  
2 shore would like to have us meet at the Headquarters, since  
3 there, all information charts, data of various kinds, would  
4 be readily available.

5           I am not assuming, as is Mr. Child, that the  
6 Superintendent of the Park would necessarily attend those  
7 meetings, but that he would be available to do so on  
8 invitation, and normally or frequently be invited.

9           MR. LEE: I think that would be a reasonable way  
10 of working together.

11           Now, the Commissions that we have worked with  
12 have sessions with members present; and they also have  
13 executive meetings, in which members are not present.

14           I think that as to these procedures, the Director,  
15 and possibly the Assistant Secretary, who spoke to us this  
16 morning, would like to look them over before; I feel sure  
17 that they would like to look them over to see if they have  
18 any points they would like to raise before this is all  
19 finally accepted by all parties, as the working arrangement.

20           But I see no objection. I don't know whether  
21 Mr. Tolson -- Mr. Tolson is the Assistant Director -- has  
22 anything to comment on this or not.

23           MR. TOLSON: No, I have not.

24           I think the comments made sound very logical.

25           MR. NICKERSON: Since we have the power of acting



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1 by majority vote, it would be a simple matter to change  
2 any of these things which we have now, in the light of  
3 any further change of opinion.

4 MR. LEE: I did not mean they should not be  
5 adopted. I just meant there might be some comment, or there  
6 might not be.

7 MR. WIRTH: Do I understand, Mr. Lee, that the  
8 Headquarters would be available for meetings?

9 MR. LEE: By all means.

10 While I have no authority to make this statement,  
11 I will make it anyway. During lunch, someone remarked to  
12 me -- I think it was, maybe, Bob Gibbs -- that at some  
13 point -- I am not proposing that it be any time soon, but  
14 at some point, it might be helpful and interesting to have  
15 a meeting down at Cape Hatters and see what has been done  
16 there. I myself have talked -- I don't want to make too much  
17 of this -- but thinking of a period of years, I would think  
18 one year might be good for one of the meetings down in  
19 Philadelphia, at the regional office, and see what the  
20 regional office is like, and the Design Office and take  
21 a look at the independent parks.

22 In other words, while the meeting would be on the  
23 meeting at the Cape Cod Park Headquarters, there might be  
24 special arrangements made of certain kinds like that.

25 MR. WIRTH: There were several suggestions before



1  
2 we recognized any motion on this.

3 First was the proposal to meet the first Monday  
4 of each month.

5 Is there any discussion?

6 MR. MC NEECE: I was just going to raise the question --  
7 I have an idea that it might be very convenient. I wanted  
8 to pick a date.

9 MR. NICKERSON: I think the Commission might be  
10 polled and perhaps we can arrive at a day of the week that is  
11 convenient for all.

12 MR. MC NEECE: As far as I am concerned, I would  
13 prefer a Saturday, but possibly, Friday.

14 MR. WIRTH: Are there any other comments on  
15 frequency of meetings?

16 Is once a month to often? Is it about right?  
17 Should we go from meeting to meeting? Is this the best  
18 way to do it, instead of setting a date for each meeting?

19 What is your feeling?

20 Mr. Nickerson thought there should be some orderly  
21 procedure, and a predetermined date.

22 MR. NICKERSON: That is my feeling. I think once  
23 a month is not too often in this stage. We have discussed  
24 a number of things today that are going to take up two or  
25 three meetings. I can see that.



1 MR. CHILD: What is a good day for you?

2 MR. WIRTH: Any day but Monday.

3 How about the first Friday in each month?

4 MR. NICKERSON: Fine. It is all right with the  
5 Chairman. We can get down from Boston.

6 MR. WIRTH: The next meeting then, according to my  
7 calendar, would be March 2, which would not be very far away.  
8 It would be two weeks from today.

9 MR. NICKERSON: In view of the fact the subject is  
10 going to be left hanging, I don't think that is too soon.  
11 I would propose that we should invite the representatives  
12 of the Park Service to be present at that meeting.

13 MR. LEE: I don't know whether we can prepare  
14 what is needed for that next meeting, by the second of  
15 March or not. The zoning standards will want to be  
16 studied by various people. We would like to do some work  
17 on the Information Program.

18 MR. NICKERSON: How about changing it to the ninth?

19 MR. WIRTH: Then the first Friday would be four  
20 weeks later.

21 The first Friday in April.

22 March 9 will be the date set for the next meeting  
23 at 2:00 o'clock, Headquarters, Cape Cod Natural Seashore,  
24 Camp Wellfleet.

25 MR. NICKERSON: My motion would be the motion for





1 the next meeting. I make a separate motion as to subsequent  
2 ~~the~~ meetings.

3 Is that agreeable to the Chairman?

4 My motion is that the next meeting shall be at  
5 2:00 p.m. on Friday, March 9.

6 MR. WIRTH: Is that motion seconded?

7 MR. MC NEECE: Second.

8 MR. WIRTH: It has been moved and seconded.

9 Is there any discussion on the motion?

10 If not, all those in favor say Aye.

11 (Ayes.)

12 MR. WIRTH: Opposed?

13 (None)

14 MR. WIRTH: It is so moved.

15 MR. NICKERSON: I would then move, Mr. Chairman, that  
16 beginning with the first Friday in April, the Commission  
17 shall meet regularly until further notice, at 2:00 p.m.,  
18 on the first Friday of each month, at the same place.

19 MR. WIRTH: The motion has been made. Is there  
20 a second?

21 (Numerous seconds)

22 MR. NICKERSON: Is there an exception there about  
23 legal holidays or not?

24 MR. WIRTH: It seems to me we would probably work  
25



1 that out.

2 A motion has been made and seconded, starting with  
3 the month of April, this Commission will meet the first Friday  
4 of each month at the Cape Cod National Seashore Headquarters.

5 Is there any further discussion of the motion?

6 If not, all those in favor say Aye.

7 (Ayes.)

8 Opposed?

9 (None)

10 MR. WIRTH: It is so moved.

11 A question has also arisen which I think should  
12 be decided, as to who shall be present, in attendance.

13 Mr. Nickerson, would you want to comment on that?

14 MR. NICKERSON: I feel the Commission should not  
15 predetermine anybody except themselves, who is going to be  
16 there from time to time.

17 For example, at the next meeting, I think the  
18 Chairman should be instructed to advise the National Park  
19 Service any representative they want to have there will be  
20 welcome. We also invite, for a portion of the meeting,  
21 the Chairman to contact Chambers of Commerce, for example;  
22 but to establish a fixed policy, I think would be wrong, in-  
23 asmuch as there may be a meeting, and probably will be,  
24 in which we will have some differeint points of view, which  
25 would be in conflict with those of some of the Park Service;



1 it might be better to have those meetings as Executive  
2 Meetings and refer the subject matter to a later meeting,  
3 for discussion with the Park Service themselves.

4 MR. WIRTH: Are there any members of the Commission  
5 who would disagree with that point of view?

6 (None)

7 I think the Chair would disagree.

8 MR. DIEHL: I would disagree. I think our future  
9 meetings, we should have as many of the Park Service  
10 representatives there, as possible, to have them advise  
11 us. We need some help. If we have to go into Executive  
12 Session, we can do that after our general meeting.

13 I cannot see any reason to exclude them at this  
14 time.

15 MR. WIRTH: Any further comments on this subject?

16 MR. NICKERSON: I ask a question.

17 Your thinking, I think, is very much the same as  
18 mine. We don't want too -- in my thinking, we don't want  
19 to build in attendance at these meetings, but we do want  
20 the attendance, and most of the time, we are going to want it.

21 MR. FOSTER: I don't believe that is what Mr. Diehl  
22 said.

23 MR. DIEHL: I want members. I am thinking now of  
24 Mr. Gibbs; Mr. Thompson whenever we can; and we would like  
25 to have them at all our meetings, if possible.





1 MR. CHILD: I agree.

2 MR. FOSTER: As a matter of course, is what you are  
3 saying -- Mr. Child agrees -- do we have any other discussion  
4 of this?

5 If the Chair might be permitted an observation.

6 It seems to me that the conduct of the Commission  
7 would be the most successful if we work as closely as possible  
8 to get together -- granted that there may be points of  
9 disagreement; and I would venture to observe that perhaps,  
10 by not meeting together, it would tend to encourage  
11 points of disagreement rather than encouraging points  
12 of agreement. So that I wonder, Mr. Nickerson, if you might  
13 modify your suggestion.

14 MR. NICKERSON: My whole thinking is this:

15 I very much want representatives of the Park Service  
16 to be present on the meetings, but I don't want to build it  
17 into the picture to the extent that we cannot have an  
18 Executive Session without them. That is what I am concerned  
19 with; that we establish a pattern of behavior.

20 The meeting today would have been useless with  
21 the presence of the Park Service people.

22 MR. LEE: Mr. Chairman, we have a General Advisory  
23 Board, and the practice there is that as a rule, the Park  
24 Service is there, but the Board can meet in Executive Session  
25 and they generally do have an Executive Session.

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1           They meet -- what is it -- twice a year now and  
2 generally, at each of those meetings, they set aside --  
3 those are two or three day meetings -- and they set aside a  
4 little time at some point during a meeting for an Executive  
5 Session, and that is understood by all concerned and any  
6 matters that the members want to take up by themselves, they  
7 have an opportunity to do it at that time, and it seems to  
8 me that that would take care of this situation, probably.

9           MR. NICKERSON: I think we are all agreeing, but  
10 we are approaching it at different angles.

11           MR. FOSTER: Well, would it be acceptable as a  
12 course of action -- this is just a suggestion -- to invite  
13 the Park Service to attend our next meeting and all subsequent  
14 meetings; unless the Commission determines that it has busi-  
15 ness it wishes to conduct in Executive Session?

16           MR. NICKERSON: I would be glad to accept that.

17           MR. FOSTER: Would that be an acceptable way of  
18 conducting the affairs of the Commission?

19           I would not want to put words in anyone's mouth,  
20 but it seems to me we are anticipating a problem that  
21 has not yet arisen.

22           MR. NICKERSON: I think my objective has been  
23 accomplished by the discussion that has taken place, Mr.  
24 Chairman.  
25



1 MR. FOSTER: All right.Fine.

2 Are there any other matters of business that we  
3 should consider?

4 MR. NICKERSON: I have a proposal here, under  
5 Section 8(g) of the Act, "No permit for the commercial or  
6 industrial use of property located within the seashore  
7 shall be issued by the Secretary, nor shall any public  
8 use area for recreational activity be established by the  
9 Secretary, within the seashore, without the advise of the  
10 Commission."

11 I think there is a real danger in having such  
12 advice requested and acted upon without a period of  
13 deliberation in between; consequently, I would like to  
14 suggest that this read: That it shall be a policy of  
15 the Commission that it shall not advise on matters coming  
16 before Section 8 (f) and 8 (g), at the meeting at which  
17 such matter is originally presented.

18 MR. FOSTER: Is there any discussion of that?

19 MRS. WILES: I second it.

20 MR. FOSTER: This is not in the form of a motion,  
21 yet. This is for discussion purposes.

22 Your feeling, Mr. Nickerson, if I can transpose  
23 your remarks, is that these are important considerations  
24 which should be carried over and certainly well thought  
25 out before they are finally voted on?





1 MR. NICKERSON: These have to do with commercial  
2 use of the Park property and recreational activities; matters  
3 which once done, cannot be undone readily and therefore, I  
4 think there should be a waiting period -- is the word --  
5 between the presentation of the problem and the final  
6 decision on it.

7 MR. FOSTER: Would this raise a problem as far as  
8 the Park Service is concerned?

9 MR. LEE: Mr. Chairman, I think it would be very  
10 desirable to proceed with due deliberation on these matters.

11 It is conceivable that an emergency might arise at  
12 some time in which event, I would assume that the Commission  
13 desired to do so. They could make an exception to the policy  
14 but the policy would be to -- especially with meetings coming  
15 every month; this should not work any undue hardship, nor  
16 should it extend to what would be construed by the secretary  
17 as a reasonable time.

18 MR. NICKERSON: I used the word "policy" with that  
19 very thought in mind. Policy things, you set up as  
20 a general idea, and you take exceptions as the situations  
21 arise.

22 MRS. WILES: In my own case, I would not want to  
23 make decisions without consulting them. There would be no  
24 time for me to consult with them.

25 MR. NICKERSON: There is another consideration,





1 Mr. Chairman. I know now that I shall not be at the  
2 April meeting, for example. The matter presented at the  
3 April meeting therefore, might be -- the action on it might  
4 be postponed until the May meeting. So that any member that  
5 was absent from one, would have an opportunity, through the  
6 official record, to be present at the next meeting to  
7 express himself on the subject.

8 MR. FOSTER: They are all good points, I believe.

9 Is this in the form of a motion?

10 MR. NICKERSON: I would be glad to make it one,  
11 if you wish.

12 It shall be a policy of the Commission that  
13 it shall not advise on matters coming before it under  
14 Section 8(f) and 8 (g) at the meeting at which any  
15 such matter is originally presented.

16 MR. FOSTER: Is there a second?

17 MRS. WILES: I second.

18 MR. FOSTER: It has been moved and seconded that  
19 it shall be a policy that the Commission shall not advise  
20 on matters coming before it under Section 8(f) and 8 (g)  
21 at the meeting at which any such matter is originally  
22 presented.

23 Is there any discussion of this motion?

24 If not, all those in favor say Aye.

25 (Ayes)



1 MR. FOSTER: Opposed?

2 (None)

3 MR. FOSTER: So moved.

4 MR. NICKERSON: I have some things here, Mr.  
5 Chairman, which perhaps should be modified, in the light  
6 of what has gone on today, but I would like to make this  
7 suggestion. That the Commission at this time, determine  
8 items which are to be on the agenda for the next meeting.  
9 I have in mind, they may not be the only items, but these  
10 items shall be included in the agenda, and the reason for  
11 the thinking along this line is that if at each meeting, the  
12 Commission determines certain items which shall be included on  
13 the agenda for the next meeting, then the members will have  
14 time to inform themselves in advance on those subjects a  
15 little bit better and be better prepared to act when the  
16 subject comes up.

17 MR. FOSTER: The Chair might as Mr. Lee -- before  
18 he arrived this morning, apparently, there was a feeling  
19 that the agenda for the Commission meetings could only  
20 be compiled by the Park Service or the Department of the  
21 Interior.

22 Is it the feeling of the Department that the  
23 Commission should not be able to suggest items for its  
24 own agenda?

25 I would like to have that point clarified.



1 MR. LEE: Mr. Chairman, I am sure that that is not the  
2 feeling of the Department.

3 Mr. Beasley, Assistant Secretary Beasley, in  
4 speaking this morning, referred to some general guide lines  
5 that had been adopted to establish procedures in relation  
6 to about all the Advisory Commissions that worked with the  
7 Secretary and I believe the language that he quoted, which  
8 I don't have here, said that if the agenda -- the time and  
9 place of meetings, and the agenda, should either be determined  
10 by an official of the Department, or approved by an official of  
11 the Department.

12 Now, there is a question of the interpretation  
13 and the meaning of this Act, and the Act of course, prevails.

14 I think one of the principal thoughts on the agenda  
15 is the Secretary may have some items he would like to bring  
16 before the Commission for consideration.

17 He may or may not. I mean, they may come up between  
18 the meetings and he would not like to be in a position where  
19 he had to wait until the meeting after the next one, to get his  
20 items before the Commission.

21 So that I think the preparation of the agenda could  
22 be by the Commission, with the Interior Department also making  
23 its suggestions at the time it is in preparation or vice versa,  
24 whichever way it works best.

25 I think we would be happy to have the Commission





1 prepare its agenda, provided we have an opportunity  
2 to make our suggestions, too, and I think on the time and  
3 place of the meetings, as soon as the thoughts of the  
4 Commission are before the Secretary, I am sure he will feel  
5 that this is an admirable plan; and be very glad that the  
6 Commission feels that they can meet as often as this.

7 MR. FOSTER: Are there any discussions on this  
8 point?

9 MR. DYER: I don't think we should be totally  
10 tied down, in getting advice only in areas where it has  
11 been solicited. I think that perhaps the National Park  
12 Service, the Interior Department, should sometimes be  
13 given advice they have not asked for. They don't have  
14 to take it but we all hope we may be in a position to know  
15 of problems that have not come up. I think we would be  
16 doing the Department a service by bringing up problems  
17 that have not come to their attention.

18 MR. FOSTER: Any other comments on that score?

19 MR. NICKERSON: Mr. Chairman, I was the one  
20 this morning, before you were here, who objected to the  
21 idea that the agenda and call for the meeting should be  
22 made only by a full time officer of the Department of  
23 the Interior being in conflict with the Act itself. I think  
24 that the objective could be arrived at, if that is agreeable  
25 to the Department, by saying something to this effect:



1           That the Chairman shall include in the agenda  
2 for any meeting, any matter suggested for inclusion in  
3 that meeting by the Park Service; have that as a standing  
4 vote or a standing policy of anything they want to include  
5 in the agenda, would be acceptable for our consideration,  
6 but as for the rest of the agenda, it seems that should be  
7 our prerogative, not theirs.

8           MR. FOSTER: Would this be agreeable with the  
9 Service, Mr. Lee?

10           MR. LEE: I believe that the suggestions made  
11 on this subject should be discussed with Mr. Wirth, and  
12 Assistant Secretary Beasley, to make sure that we are not too  
13 far apart, and the final action on this item taken at the  
14 next meeting, because there was a more or less, opposite  
15 point of view expressed this morning, as to who approves  
16 the agenda. In fact, the Assistant Secretary stated that  
17 it was -- there are regulations, and there may be laws  
18 involved that I am not personally familiar with, that have  
19 a bearing on this question.

20           So I would suggest, if I may, that the Commission  
21 make the proposal they would like to have accepted, to the  
22 Secretary, and see if the Secretary will accept it.

23           MR. FOSTER: I think you recognize, Mr. Lee,  
24 that that is a somewhat unusual position that the Commission  
25 is in; to be unable to set its own time and place for the



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2 meeting, on its own agenda; so that this is a matter of  
3 concern, I think, to all of us, to be resolved. I think  
4 it would be highly advantageous to all parties.

5 MR. LEE: I am sure that it is true, and I am  
6 sure that the Assistant Secretary Beasley said this morning,  
7 he felt that all of these matters could be worked out.

8 I don't like to give an offhand opinion that  
9 might be in conflict with the Secretary's opinion on this  
10 subject. I happen to serve on some Commissions myself and  
11 I know how it feels to be a member of a Commission who  
12 feel that the agenda, and time and place of the meeting,  
13 are naturally, something that the Commission has to have  
14 considerable voice in determining.

15 On the other hand, the Secretary's position is  
16 that he needs to be able to lay matters before the  
17 Commission at a time, and subjects that are of concern  
18 to him; so it is really a joint matter.

19 MR. NICKERSON: Mr. Chairman, would a motion  
20 something like this, perhaps, be submitted to your  
21 Department for comments, be in order?

22 Let us say it shall be a policy of the Commission  
23 that any items requested by the Park Service or the  
24 Department of the Interior, whichever words you want to  
25 use, to be included in the agenda of a meeting, shall be  
included in that agenda?





1 MR. FOSTER: I believe this would be a very construc-  
2 tive motion, myself. Is that in the form of a motion?

3 MR. NICKERSON: I will make it as such, if you  
4 request.

5 MR. MALCHMAN: I second.

6 MR. FOSTER: It has been moved and seconded that  
7 it shall be a policy of the Commission to include in the  
8 items -- to include in the agenda of the next meeting, any  
9 items requested by the National Park Service.

10 Is that correctly stated?

11 MR. NICKERSON: That is fine.

12 MR. FOSTER: Is there any discussion of that motion?

13 If not, all those in favor say Aye.

14 Ayes.

15 MR. FOSTER: Opposed?

16 (None)

17 MR. FOSTER: It is so moved.

18 Are there any other items of procedure that we  
19 have not covered?

20 MR. NICKERSON: Mr. Chairman --

21 MR. FOSTER: Mr. Nickerson.

22 MR. NICKERSON: I would like to suggest, again,  
23 that we determine now, certain items which we shall include  
24 in the agenda for the next meeting.

25 Those items, I think, should be ones in which, Mr.  
Lee, we already recognize as being. Some of them which have been





1 mentioned, escape my memory at the moment. I have down  
2 here on my list, the question of a meaning of a reasonable  
3 time, as used in 8 (c) of the Act, and my thought on the  
4 subject was this: that when the Secretary asks for the  
5 advice provisions, he cannot act without the advice if  
6 such advice is submitted within a reasonable time after  
7 it is sought.

8 I think we should request, the Commission should  
9 request, some kind of an expression from the Secretary, that  
10 he would advise us at the time he seeks such advice, what  
11 he considers to be a reasonable time with respect to the  
12 advice which is then being sought. Not as a general rule,  
13 but a reasonable time with respect to the particular problem  
14 which our advice is being sought on.

15 MR. FOSTER: Is that a matter, Mr. Lee, that could  
16 be resolved right here and now?

17 MR. LEE: Well, the Assistant Secretary said  
18 this morning that the term "reasonable" was subject to  
19 interpretation. I don't know that I could give an offhand  
20 definition of what is reasonable. I think he asked that  
21 the Commission offer its suggestion of what is a reasonable  
22 time.

23 MR. FOSTER: I believe what Mr. Nickerson  
24 requested, was that at such time as advice is sought, that  
25 you indicate at that time, what your reasonable time would be.



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1 MR. LEE: I think we could do that.

2 MR. NICKERSON: Then, if I may explain, then we know  
3 that specific advice is sought. We will know what he considers  
4 reasonable time. If we disagree, we can ask for a change of  
5 definition.

6 MR. FOSTER: Right.

7 MR. LEE: I am sure we can do that.

8 MR. FOSTER: Does that solve your question?

9 MR. NICKERSON: It would solve my question completely  
10 if the Secretary, or whoever is an appropriate designee, would  
11 agree to that provision. Perhaps you don't want a motion on  
12 that. Perhaps you want it presented informally.

13 MR. FOSTER: I believe the discussion we had  
14 probably takes care of that particular item.

15 MR. NICKERSON: The next point I have here, Mr.  
16 Chairman, is this: This is your bailiwick, but because  
17 of the importance of the public relations involved, you  
18 and I discussed this some this noon, I think that the last  
19 item on the agenda for the next meeting, should be a  
20 discussion of integrating the use of National State Park,  
21 Plymouth College, with the Cape Cod Natural Seashore.

22 What I have in mind is two things. One is the  
23 immediate use in 1962; the other is possibly exploring any  
24 future relationships which may be for a longer term.

25



1  
2 MR. FOSTER: I think the Chair would have this to  
3 offer -- that that subject in itself, could occupy most of the  
4 meeting of this Commission.

5 MR. NICKERSON: My reason for suggesting that it be  
6 introduced in outline, at the next meeting, is the pressure  
7 of time with the summer season approaching, and it may well  
8 be that the discussion would be relatively limited then but  
9 explored later, at another meeting, more fully.

10 I could think the discussion at this meeting  
11 would be limited to the season of 1962, and the later  
12 applications at another meeting, because you have a real problem  
13 with people coming in, expecting to find camp sites in the  
14 National Seashore, when they are not going to be there.

15 MR. FOSTER: Is there any objection to the inclusion  
16 of this subject in the agenda at the next meeting?

17 MR. DYER: Mr. Chairman, I have no objection  
18 to including the subject but we should not get some subject  
19 on the top of the agenda, then have the whole meeting  
20 monopolized by it, so we should, I think, at least use our  
21 judgment in setting the breaks on it.

22 MR. FOSTER: I might remind the Commission we  
23 have two subjects that definitely are high on the list.

24 One has been the question of zoning standards,  
25 which certainly, I think, would be of prime importance;





1           The other question is the question of public  
2 information for the 1962 season.

3           MR. HICKERSON: You might include this as a sub-  
4 section under public information, if you want to.

5           MR. FOSTER: Is that agreeable with the Commission?

6           All right.

7           Any other suggestions for the agenda at the  
8 next meeting?

9           MR. MC NEECE: I understand that each member here  
10 is going to have a transcript of everything that happened,  
11 and I believe, in reading that transcript we will find  
12 mention of many items which should come up in the next  
13 meeting, and it could very well be that we can pick out from  
14 the transcript, the items that seem to deserve priority.

15           I think the two you mention certainly do,  
16 and we can schedule them tentatively for an agenda for the  
17 coming meeting and circulate them, and see if they are  
18 approved.

19           MR. HICKERSON: I have in mind, Mr. Chairman, with  
20 this suggestion of setting up items for inclusion in the  
21 agenda, there will in all probability be many meetings  
22 in which we don't complete the agenda. That happens.

23           MR. FOSTER: I think these are good thoughts.

24           Are there any other suggestions for agenda  
25 items?



1  
2 MR. DYER: Mr. Chairman, isn't there a possibility  
3 we may have emergency items -- things that might occur  
4 to some of us in between meetings, that we think might go  
5 on the agenda, yet we have not planned to put them on there?  
6 Isn't there some way, perhaps, to make arrangements to have  
7 them put on? I don't say that should be unlimited, or any-  
8 thing like that, but nevertheless, things could occur between  
9 meetings, and we definitely want to pick them up.

10 MR. FOSTER: We would suspect on any agenda,  
11 there would be an item of other business, of course.  
12 Anybody has the prerogative of moving to one item or  
13 another in the event of an emergency.

14 MR. NICKERSON: Mr. Chairman, I would expect  
15 further, that the Chairman would have things coming to  
16 his attention which he would want to include in the agenda.  
17 My whole point is, in setting up an agenda, items with  
18 respect to which we will have an opportunity for further thought  
19 before arriving at the meeting.

20 Now, there will be other items which you, in  
21 your position as Chairman, might want to have included in  
22 the agenda.

23 MR. FOSTER: Would it be desirable, as a suggestion  
24 to the Commission, to leave the preparation of the agenda  
25 items to the officers of the Commission in conjunction with  
the Park Service, to be circulated to all members, at a



1 reasonable time prior to the next meeting date? Would that  
2 be agreeable -- rather than attempting to work it all out  
3 at this time?

4 MR. NICKERSON: That is a good idea.

5 I think, Mr. Chairman, that is true; but at the  
6 same time, I think that there should be -- if you wish to  
7 do so, there should be specific items to be included in the  
8 agenda. That is what I have been trying to accomplish.

9 MR. FOSTER: Well, we have two specific items  
10 at the present time.

11 The question of zoning standards.

12 We have the question of the public information program.

13 Are there any other items that should be added to  
14 that, other than those that may come up in the course of  
15 our --

16 MR. NICKERSON: I should like to include that  
17 question of integrating with the State Park Service.

18 MR. FOSTER: Are there any other agenda items  
19 that come to mind?

20 MR. LEE: Mr. Chairman, as long as you are discussion  
21 this, I would be inclined to think that, if there is time,  
22 at the next meeting, even though it is only three weeks away,  
23 there ought to be, and perhaps for some time, almost a standing  
24 item on the agenda of the status of the Land Acquisition  
25 Program.



1 MR. FOSTER: That will be agreeable with the  
2 Commission. It looks like a good suggestion to me.

3 MR. LEE: I would like to ask Mr. R. Lee if he  
4 does not feel that this will be something which we will  
5 be exchanging views on, with the Commission, regularly.

6 MR. R. LEE: I think so, because these regulations  
7 -- zoning standards -- have a direct bearing with the land  
8 acquisition, which is a very critical thing in the early  
9 stages. It is going to shap itself out as we go along.  
10 It certainly is a major point, at this point -- both zoning  
11 regulations and how we proceed on acquiring land. The two  
12 are tied together.

13 MR. FOSTER: Are there any other discussions on this  
14 matter of agenda items?

15 If not, we have one other area to consider.  
16 That is the relationship of this Commission to the press;  
17 the question of speaking for the Commission, and how those  
18 affairs should be handled.

19 Are there any suggestions on that score?

20 Certainly, the Chairman would need some guidance  
21 in this.

22 MR. LEE: I was out a few minutes ago. I had  
23 a newspaperman try to get information out of me. I sent  
24 him to you; after the meeting, I told him to contact you.

25 MR. MC NEECE: It seems to me, Mr. Chairman it is





1 quite logical that the Chairman should issue the press releases,  
2 based on the record. If he issues press releases which reflect  
3 what actually happened, of course, using his discretion, I  
4 don't see why that should not be perfectly proper.

5 As to individuals -- the question of wearing two  
6 hats -- it is very difficult to say they are expressing an  
7 individual opinion. Yet, certainly, every member here is  
8 going to be pressed when he gets home or she gets home,  
9 as to what has happened.

10 I can only suggest discretion and generalization  
11 as far as individuals are concerned.

12 MR. MALCOLMAN: I was going to substantiate what  
13 Mr. Lee said. What happened, we found ourselves saying,  
14 more or less, it was a nice trip; we found the Department  
15 of the Interior courteous indeed, and that, perhaps, we  
16 heard something on these subjects, but without saying what  
17 if any action was taken.

18 MR. FINLAY: I feel we should not be left in  
19 the position entirely of saying, "No comments". That  
20 would make it ridiculous. You might think most of us,  
21 with a sense of responsibility, can discuss this thing  
22 in a way that they might not be satisfied completely, but  
23 to give a general outline of what the procedures were,  
24 and so forth, without any further detail.  
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2 MR. NICKERSON: Mr. Chairman, I have one request  
3 to make. I would request of the members of the Commission  
4 that no statement be made of any nature, disclosing that  
5 there was any difference of opinion between the Commission  
6 and the Park Service, or the Assistant Secretary of the  
7 Interior.

8 I have in mind particularly, the clash which I  
9 had this morning -- the difference of opinion with the  
10 Assistant Secretary of the Interior over this matter of  
11 meetings, and agenda. It will serve no useful purpose;  
12 therefore, I think all of our comments which we make,  
13 should be positive rather than negative in interpretation.

14 Furthermore, I would like to make this suggestion,  
15 Mr. Chairman, to the members of the Commission, that as  
16 a general thing, that we do not disclose any position --  
17 how many voted one way or another; whether the vote was  
18 unanimous or whether the vote was not unanimous; whatever  
19 the action of this Commission may be. The only thing we  
20 say about them is that the Commission decided, and not  
21 indicate whether there were any differences of opinion  
22 on it.

23 MR. FOSTER: Any further comments?

24 MR. CHASE: I think another area, that Mrs. Wiles  
25 touched on, if the occasion arises where Mrs. Wiles and  
myself or the other people here on the Board, have to



01  
1 act as a liaison between the Board of Selectmen and the  
2 Commission, you will remember, there is a thing called  
3 the Opening Meeting in Massachusetts.

4 I know in my bailiwick, it is almost impossible to  
5 get any business transactions with the Selectmen unless you  
6 go to the meeting which is open. You might corner them  
7 individually, and thrash it out one at a time, but even to  
8 ask to meet with them in Executive Session takes just about  
9 a day down at my end. I know all the State people have quarrels  
10 that go on all over the government down there.

11 MR. DIEHL: I agree with that. That is my feeling.  
12 I represent the town. We have town meeting Monday night,  
13 and at the meeting, the question may come up, perhaps they will  
14 want some sort of a report from me, which they have a right to  
15 have. I would say they have a perfect right to ask me.  
16 I am representing them.

17 MR. FOSTER: Well, I believe this point has come up  
18 and if I may be permitted to comment on this. All of us were  
19 nominated by one Board or another. I believe we are all  
20 appointed by the Secretary. We are members of the Commission,  
21 even though we are obviously here to advise the Secretary  
22 on the basis of our own particular area. So that we are  
23 not, really, representatives of one particular body of  
24 government. We are, technically speaking, members of the  
25 Commission. We do not really represent our own community.





1  
2 MR. DIEHL: I would agree with you up to a certain  
3 point on that but I mean, whether our members would agree  
4 with that -- whether that is their feeling.

5 MR. NICKERSON: Mr. Chairman, in the interest  
6 of good public relations, not only for the Park Service,  
7 but for this Commission, isn't it rather desirable -- rather  
8 than otherwise -- that when questioned, Mr. Chase, for example,  
9 should speak frankly about the work of the Commission? I  
10 think it is important to avoid any reference to differences  
11 of opinion but frankly, about the final resolution of  
12 such differences -- the final decisions that were taken.

13 MR. FOSTER: The question at hand, is: What degree  
14 of frankness are you referring to?

15 MR. DYER: Mr. Chairman, some of us are bound --  
16 in fact, I will in two or three days, be in the hands of a  
17 Cape Cod meeting, and I don't venture to say what will happen  
18 at those town meetings.

19 I have an idea that very likely it has happened  
20 before; I think I will have and you will have a lot of  
21 curved questions. I am not only a member of this Commission,  
22 and have my duties there, but I am also Selectman of the  
23 town, and I take my oath on that matter, too. I certainly  
24 am going to use the best judgment I can.

25 MR. FOSTER: The Chair might point out there is



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1 no way of resolving what we are talking about, other than  
2 to encourage everyone to use their best discretion in terms  
3 of speaking, in the praise of the Commission. I am sure  
4 everyone will. These problems will have to be handled  
5 individually, as they come up. It will be difficult at  
6 times, but I think, as we work together, and combine functions  
7 as a Commission, perhaps it will be easier than we suspect  
8 at the present time.

9 We have touched upon several things. One, the  
10 suggestion that in terms of any news release of activities,  
11 of decisions of the Commissions, that this be derived from  
12 the Chairman.

13 Is this your wish, or would you prefer it some  
14 other way?

15 I would be happy to do it. I would like to lean  
16 on the other two officers, if I might in preparing the  
17 proper text of what was decided upon.

18 MR. DYER: Mr. Chairman, I agree with you, but I think  
19 the immediate problem is the press release on this special  
20 meeting, and I think that the press is going to be rather  
21 impatient if we delay too long and will start buttonholing  
22 each individual member; so I wish, Mr. Chairman, you  
23 and the Vice-Chairman and the Secretary can perhaps, get  
24 together a press release as soon as you conveniently can.  
25 Maybe that is a little hard.



1 MR. NICKERSON: Maybe they would like to interview  
2 us.  
3

4 MR. FOSTER: Would it be agreeable to the Commission  
5 to have a press release drafted on the results of this meeting  
6 with the assistance of the Officers, and have it as a joint  
7 release, perhaps, with the National Park Service, since this  
8 was the meeting here in Washington?

9 Would that be agreeable? It probably could be  
10 done this afternoon.

11 MR. CHILD: Could this be done by the first of  
12 the week?

13 MR. FOSTER: I would say it would have to be  
14 or it would not be necessary.

15 Would this be imposing on the Park Service?

16 MR. LEE: Our Assistant Director for Public Affairs  
17 escaped this meeting. I don't know just how he got away,  
18 but he did. He has undertaken to see that relations with  
19 the newspapers were in some manner handled.

20 Well, I am not sure. It is five after 5:00 and I  
21 wonder if someone would call and see if Dan Beard is down  
22 there, and if he would come up here.

23 Could I make a comment while we are trying to  
24 get hold of him?

25 MR. FOSTER: Go ahead.





1           MR. LEM:     It seems to me this general discussion  
2 is very helpful to the Park Service, to get an understanding  
3 of the feelings and wishes of the Commission.

4           This subject also, obviously, affects us, because  
5 the matters that are brought before the Commission by the  
6 Secretary for consideration, on which advice is sought and given  
7 to him, there may be some matters on which he would like a  
8 chance to consider the advice before very much is said about  
9 it publicly. Mr. Wirth mentioned that point this morning  
10 before you arrived, that he thought there would be subjects  
11 on which the Commission would be advising the Secretary  
12 and the Secretary would like a chance to know what your  
13 advice is before the public does.

14          I think, as I said, that the general discussion is  
15 going to be helpful to us but I think that the subject as  
16 a whole is one that might fall into the category that Mr.  
17 Hickerson mentioned, of a subject that comes up at one  
18 meeting, and is acted on at the next one, in that it is  
19 a little complex; and I don't know fully, what views our  
20 Departmental Division of Information might have, or what  
21 contribution they might have, just helping solve the problem.

22          We are a general advisory board and there are some  
23 acts that are not for publication, and other acts that are  
24 for publication. Those that are for publication are submitted  
25 to the Secretary. He gets a look at them; then they go  
in to the newspapers immediately thereafter.





1           Mr. Wirth has fortunately, arrived, and it is a  
2 question of public information.

3           MR. FOSTER: We are discussing, Mr. Wirth, the  
4 question of releasing information and the results of a  
5 Commission meeting; how best it should be handled, and  
6 specifically talking about the results of this meeting,  
7 as to whether it would be possible for the officers of the  
8 Commission to sit down with your people and work out some  
9 kind of a joint release, of what transpired today.

10          MR. WIRTH: Yes, there is.

11           Let me just say this. This is a subject that  
12 started this morning, a little bit off on the wrong foot,  
13 because of the conflicting state of the legislation and so  
14 forth, but here is the reason in back of this.

15           It would be just like you, as an individual,  
16 or you, as an individual, asking for somebody's advice,  
17 if you have a problem you want to talk over with them and  
18 he goes out, and does a certain amount of analysis, and so  
19 forth, and writes a letter; then goes ahead and publishes it,  
20 before you had time to consider it.

21           In other words, you have consented to advise,  
22 as to the Secretary, on a lot of these things. There are  
23 certain things that there will not be any problem at all.  
24 But there are other things, that are policy matters, where  
25 decisions will have to be made, which you are recommending



1 to the Secretary, and the Secretary ought to have the right  
2 to consider them before they are made public.

3 It is just an ordinary business approach to it; it  
4 is not an attempt to curtail you on any of your thinking or  
5 anything else, but it is one of those things that you have  
6 to take into consideration, in good procedure, and proper  
7 planning; and the thing that Mr. Beasley read this morning,  
8 there is nothing more stereotype or more difficult to write  
9 than a policy that covers all agencies; all circumstances;  
10 all conditions for all time; and put it into a Departmental  
11 regulation, and I can assure you that the law is the  
12 governing factor.

13 The next thing is in carrying out our joint work,  
14 how and what is the best way to proceed in order to get the  
15 best results.

16 That is why I asked whether we could say, at the  
17 recommendation of the Advisory Commission, we will use  
18 his statement, which was made to proof earlier, in our  
19 transmittal. In those things, there is no question about  
20 that; but there are certain things that are going to come  
21 up as to policy, that the Administrative Office has to consider,  
22 and he may not accept your recommendation. I can assure you  
23 of that. There are going to be times, and I don't know of  
24 anything that, after he has considered it, that if you really  
25 want to, each individual can say, well, I do not think the



Secretary did the right thing.

I think this is a free country. You can say, as an individual, what you want to but I do think that on this kind of thing, we can talk those over and come up with a determination, whether it should be a memorandum to the Secretary or a resolution, and it has worked very well.

These people come from all over the country. It covers the whole Park Service; and the memorandum to the Secretary contains recommendations for his consideration -- those things that can be handled are resolutions; but they all go out in one place. They don't go out as of today.

MR. FOSTER: I make this suggestion; that you leave to the discretion of your new officers, on the basis of today's meeting, the preparation of a suitable release, describing what we have accomplished here, to try it out in this fashion and then, if whatever we come up with is not acceptable, you can change the procedure in the next meeting.

It seems to me that we are beginning in an area where we are anticipating a problem that as yet, has not arisen and perhaps, it could just be handled in that fashion today.

Is there any objection to proceeding in that fashion?

MR. WILMS: I don't think I quote understand you.





1  
2 That is, I know when I go home, my telephone is  
3 going to be ringing. I am going to be asked questions.  
4 Am I simply to say, "I am not permitted to speak"?

5 MR. FOSTER: No, this will be left to your own  
6 discretion.

7 MRS. WILES: If I give a general outline -- that  
8 is, we had a meeting and a general outline of what happened,  
9 is that all right.

10 MR. FOSTER: This would be left entirely to your  
11 discretion.

12 MRS. WILES: I don't mean controversial things.  
13 Just generally.

14 MR. FOSTER: If there would be a formal release  
15 prepared for distribution to the newspapers this afternoon,  
16 what is left of this afternoon, so that there would be an  
17 official record distributed to the various news outfits --

18 MR. LEE: Mr. Chairman, there is a reporter from  
19 one of the Cape Cod newspapers just outside the door, and  
20 perhaps the Chairman and the Director could be interviewed  
21 on this, and other officers.

22 MR. WIRTH: I will say this, too. We tried to  
23 keep the reporters out of the meeting, so we could have a  
24 frank discussion, and lo and behold, one walked into the  
25 Cosmos Club with one of the Congressmen, or one of the



110 1       Congressmen invited him in, so I told Dan Beard that he  
2       better make a little note about what the Secretary said  
3       and give it to the AP and UP, because we would get in  
4       trouble; but that was more or less of a general statement  
5       by the Secretary and did not have anything to do with the  
6       results of the meeting.

7               So something has gone, but that is how that leak  
8       came about.

9               Maybe I was a little weak. I did not have nerve  
10       enough, when he came in there, the last minute, before the  
11       Secretary talked, to tell him to get out. Pardon me --  
12       I am sorry. I just did not want to do it at that time.

13              MR. NICKERSON: If a reporter from the Standard  
14       Times is out there, as you indicated, why wouldn't the  
15       simple solution be this. That you and Mr. Wirth have an  
16       interview with him, with the Secretary and your associates,  
17       and play it by ear, and not issue a press release at all?

18              MR. FOSTER: Well, I don't think that would be  
19       advisable because you have other newspapers that are  
20       interested.

21              MR. NICKERSON: If they were interested enough to  
22       come, we don't want to alienate this local newspaper.  
23       So I think in order to have them on our side, you have to  
24       tell them something.

25              MR. FOSTER: Would this be agreeable to the Com-



1 mission? This course of action?

2 All right.

3 Now, we have two other problems that came up on  
4 news.

5 One is any future meetings of the Commission, will  
6 they be open or closed meetings? That is a point, I think,  
7 that was brought up by Mr. McNeece.

8 What is your feeling in this regard?

9 MR. MC NEECE: Mr. Chairman, that point was not  
10 in regard to meetings of the Commission. I would assume  
11 they would be closed. I don't think we are governed by the  
12 open meeting law in Massachusetts.

13 I was thinking of being put on the spot, at either  
14 a town meeting or in a regular meeting of Selectmen, and  
15 being asked to attend such a meeting to answer a question,  
16 and being told what to say. Something of that sort.

17 MR. FOSTER: I see. Is it assumed that our future  
18 meetings will be essentially executive meetings?

19 MR. NICKERSON: Mr. Chairman, I feel very strongly  
20 if this Commission is going to be any good, they would have  
21 to be executive meetings.

22 MR. WIRTH: I don't know about the Minute Men.  
23 I have not been to that Commission meeting.

24 MR. LEE: They have to be.  
25





1 MR. WIRTH: In New York, it is. The New York  
2 one has been that, anyway, too.

3 This is a little bit different. This is not  
4 a Commission making final decisions. It is a Commission  
5 set up as an Advisory Commission to the Secretary to make  
6 recommendations, and you are a little freer for discussion  
7 and that kind of thing, to the Secretary, if you have an  
8 executive type of meeting.

9 Now, there may come a time when a problem will  
10 come up, and you may say, "Well, let's put this up to the  
11 town fathers and have them come in and discuss the whole  
12 thing before we make our recommendation."

13 Those things, you can make changes on; but that  
14 is a decision that the Commission will make after weighing  
15 whether you want to do it or not, for a particular purpose.

16 MR. NICKERSON: It would make sense, if we adopt,  
17 as a general temporary policy, that the Chairman, the  
18 Secretary, and the Vice-Chairman --

19 MR. WIRTH: You are the "Vice".

20 MR. NICKERSON: Would hold a press interview  
21 immediately following the meetings, if the press wanted  
22 to be there for that, and play it by ear. and if it worked  
23 out that we got into trouble, we might have to stop doing  
24 that but we don't want to alienate the press. Yet, there  
25 are some things we don't want to tell them.





1 MR. WIRTH: That is right.

2 If you are going to be of real service to the  
3 Secretary, there is going to have to be a confidence worked  
4 in there. I am sure that is what he would like.

5 MR. NICKERSON: The Press is not invited for  
6 the meeting, but at the close of each meeting, if they  
7 want to interview us, we would be able to give an interview  
8 as a group of three, together; at the same time, it would  
9 be a joint press conference. If the press is not invited,  
10 so much the better, perhaps.

11 MR. FOSTER: This is agreeable for the Commission.  
12 It certainly seems like a logical place to start.

13 MR. DYER: "Let's try it and find out what happens."

14 MR. FOSTER: One last question for you on the  
15 point of news release.

16 Should there be any release of the agenda to be  
17 discussed prior to the meeting?

18 MR. NICKERSON: No.

19 MR. FOSTER: I have one "No." Is there any comment  
20 on that score?

21 MR. MC NEECE: I can see no need for it.

22 MR. FOSTER: The question will arise, I can assure  
23 you. What will be discussed at the meeting?

24 MR. NICKERSON: We don't know until we get there.

25 MR. WIRTH: Mr. Chairman, I would say this. In the



1 future, on our agenda, what we would like to do is sit down  
2 and work up the agenda; let you know what subject is coming  
3 up; what we would like to do is get the agenda out in  
4 advance and give a paragraph on each subject, rather than  
5 just this, so that each of the members of the Commission  
6 has a little bit of an idea of what we are going to bring  
7 up and also, if the Commission has anything they want to  
8 bring up, they we could centralize it, so we can get it  
9 out.

10  
11 MR. NICKERSON: Don't you think we ought to tell  
12 Mr. Wirth what we voted?

13 MR. FOSTER: Maybe I better tell him after the meeting.

14 All right. I think you answered my question on this,  
15 as far as advance release of agenda items. The answer would  
16 be no, until such time as the Commission feels that the change  
17 is necessary.

18 It is now 5:20. Are there any other comments?

19 Is there any other business to come before the  
20 Commission?

21 (Discussion off the record.)

22 MR. MC NEECE: I make a motion that we adjourn  
23 until March 9 at 2:00 p.m.

24 MR. FOSTER: At Eastham.

25 Before I recognize the motion, I think we all



115 1 know -- the Park Service and the Department of the Interior--our  
2 expression of thanks for the many courtesies today and I for  
3 one, appreciate it. I am sure the rest of us do.

4 MR. NICHOLSON: I would like to put that in the  
5 form of a motion, particularly inasmuch as I was so skeptical  
6 as to the efficacy of such a meeting in Washington.

7 MR. FOSTER: The motion is made and seconded.

8 I assume it is passed unanimously, that the Commission  
9 expresses its thanks to our host for today, for all of their  
10 courtesies.

11 MR. WIRTH: May I respond?

12 MR. FOSTER: You may, Mr. Wirth.

13 MR. WIRTH: I want you to know that we in the  
14 Park Service appreciate very much your coming down here, and  
15 the responsibilities and duties that you have taken on by  
16 becoming a member of this Commission, and honestly and truly,  
17 we are looking forward to working very closely with you and  
18 we most sincerely hope that when this project is finally  
19 consummated, that we all will be proud of it, and that it  
20 would be a real benefit to our nation.

21 Thank you very, very much, for your courtesies in  
22 joining up. We will see you up on the Cape.

23 MR. FOSTER: The motion of adjournment is before the  
24 House.

25 (Seconds)





1 MR. FOSTER: It is not debatable.

2 All those in favor say Aye?

3 (Ayes.)

4 MR. FOSTER: Opposed?

5 (None)

6 MR. FOSTER: It is so moved.

7 (Whereupon, at 5:30 p.m., the meeting was  
8 adjourned.)

9 -oOo-





